

THE HONORABLE SALVADOR MENDOZA, JR.

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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

CHRISTINA ACKERMAN; SUSAN BAKOS;
PHYLLIS BERGMAN; CHARLES BLAKE;
SUSIE BUSH; GLENN CALLENDER;
JACQUELINE CALLENDER; JUSTIN
CALLENDER; JERRI CARVER; BARBARA
COLLINS; BRUCE CORBETT; CHRISTY
CORBETT; CHARLES DAVIS; TERESA
DAVIS; JULIE DIBBLE; CHAD EVANS;
KRISTIN EVANS; JOHN EYRE; VINCENT
FIATTARONE; CHERYL FRENCH; STEVEN
FRENCH; ASHLEY GENZEL; COURTNI
GILLETTE, Individually and as Next Friend for
her minor child, P.G.; MICAH GILLETTE,
Individually and as Next Friend for his minor

Case No.: 2:18-cv-00117-SMJ

**SECOND AMENDED
CLASS ACTION
COMPLAINT WITH
INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

**CLASS ACTION
CERTIFICATION PENDING**

SECOND AMENDED CLASS ACTION COMPLAINT
WITH INDIVIDUAL CLAIMS AND DEMAND FOR
JURY TRIAL • 2:18-cv-00117- Page 1

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1 child, P.G.; HELENE HATCH; BRITTANY
2 HENSLEY, Individually and as Next Friend for
3 her minor child, L.H.; JORDAN HENSLEY,
4 Individually and as Next Friend for his minor
5 child, L.H.; BILL HIGGINS; JAKEN HUECHE;
6 DENNIS HUNLEY; HEATHER HUNLEY,
7 Individually and as Next Friend for her minor
8 children, P.H. and T.H.; JOANNE HUNLEY;
9 SHAWN HUNLEY; ANITA JARUIS;
10 JENNIFER JOHNSON, Individually and as Next
11 Friend for her minor children, L.J. and Q. J.;
12 SEAN JOHNSON, Individually and as Next
13 Friend for his minor children, L.J. and Q.J.;
14 DIANA KNEFF; STEVEN KANAGA,
15 Individually and in his capacity as Executor of the
16 ESTATE OF MILLWEE HOLLER-KANAGA;
17 RICHARD LINK, Individually and as Next
18 Friend for his minor child, G.L.; TERRI LINK;
19 JOSEPH MARTINEZ; JOHN MITSCHKE;
20 YANG MITSCHKE; DONNA O'BRIEN;
21 JEREMY OWNBY; CORY PASSINETTI;
22 EMMA PASSINETTI, Individually and as Next
Friend for her minor child, A.P.; JANAE
PASSINETTI, Individually and as Next Friend
for her minor children, E.P., J.P., K.P., M.P., and
T.P.; JASON PASSINETTI; DONNA
PETERSON; DELBERT REIBER; Individually
and as Next Friend for his minor children, A.R.
and C.R.; MARSHALL REIBER; SARRA
REIBER; GARRET RUPERT, Individually and
as Next Friend for his minor children, C.R., K.R.,
and K.R.; HEATHER RUPERT, Individually and
as Next Friend for her minor children, C.R., K.R.,
and K.R.; LEWIS SCHWINN; BRADLY
SHRUM; CORY SHRUM; JAN SHARDELL
SHRUM; JULIE SHRUM, Individually and as
Next Friend for her minor child, W.S.; JALEY
SIMMONS, Individually and as Next Friend for

1 her minor children, K.T. and K.T.; CHRIS
2 TAYLOR, Individually and as Next Friend for his
3 minor children, K.T. and K.T.; PAMELA
4 WILLIAMS; ANTHONY ABEL; SAMANTHA
5 BARCUS; MICHAEL BUYONAVICH; JACKIE
6 COLBURN; JOEL ERWIN; JENNIFER
7 FOLAND; EARL FORSMAN, Individually and
8 in his capacity as Trustee for the EARL N. AND
9 JANET L. FORSMAN TRUST; JANET
10 FORSMAN, Individually and in her capacity as
11 Trustee for the EARL N. AND JANET L.
12 FORSMAN TRUST; ANTHONY GALLEGOS;
13 HELEN GALLEGOS; DEBRA GEHRET;
14 ROBIN GIPSON; AMY HAVENS, Individually
15 and as Next Friend for her minor child, J.H.;
16 DONNA JOHNSON; DOUGLAS JOHNSON;
17 MICHAEL JOHNSON; KEIRSTIN JONES;
18 TINA JONES; KENNETH KELLER; JILL
19 LINK; CHRIS MCCULLOCH; SHARON
20 MCCULLOCH; TODD MCINNIS; HEATHER
21 PETRO; MATTHEW PETRO; LUANN
22 STEPHENSON; WILLIAM
23 STEPHENSON; WILLIAM URDRIAN; and
FRANCELINA WALKER; individually and on
behalf of all others similarly situated,

Plaintiffs,

vs.

3M COMPANY, f/k/a Minnesota Mining and
Manufacturing, Co.; TYCO FIRE PRODUCTS
L.P., successor in interest to THE ANSUL
COMPANY; BUCKEYE FIRE EQUIPMENT
COMPANY; CHEMGUARD, INC.; and
NATIONAL FOAM, INC.,

Defendants.

PLEASE NOTE THAT THE PURPOSE OF THIS AMENDED COMPLAINT
is to do the following:

1) Correct the spelling of the name of Plaintiff Jaken Hoeche to Jaken Hueche;
Remove as plaintiffs H.H. and L.H., who are the minor children of Jaken Hueche.

2) Remove Plaintiffs Amy McDonald, Amber Passinetti, Steven Passinetti,
Karlie Rose, and Jarrett Rupert.

3) Remove minor children as plaintiffs, replace minor children's full names
with their initials, and add the designation, "Individually, and in his/her capacity as
Next Friend for his/her minor child(ren), to the following plaintiffs: Courtnie
Gillette for minor child, P.G.; Micah Gillette for minor child, P.G.; Brittany
Hensley for minor child, L.H.; Jordan Hensley for minor child, L.H.; Heather
Hunley for minor children, P.H. and T.H.; Jennifer Johnson for minor children,
L.J. and Q.J.; Sean Johnson for minor children, L.J. and Q.J.; Richard Link for
minor child, G.L.; Emma Passinetti for minor child, A.P.; Janae Passinetti for
minor children, E.P., J.P., K.P., M.P., and T.P.; Delbert Reiber for minor children,
A.R. and C.R.; Garret Rupert for minor children, C.R., K.R. and K.R.; Heather
Rupert for minor children, C.R., K.R. and K.R.; Julie Shrum for minor child, W.S.;
Jaley Simmons for minor children, K.T. and K.T.; and Chris Taylor for minor
children, K.T. and K.T.

1 4) Add Plaintiffs Anthony Abel; Samantha Barcus; Michael Buyonavich;
2 Jackie Colburn; Joel Erwin; Jennifer Foland; Earl Forsman, Individually and in his
3 capacity as Trustee for the Earl N. and Janet L. Forsman Trust; Janet Forsman,
4 Individually and in her capacity as Trustee for the Earl N. and Janet L. Forsman
5 Trust; Anthony Gallegos; Helen Gallegos; Debra Gehret; Robin Gipson; Amy
6 Havens, Individually and as Next Friend of her minor child, J.H.; Donna Johnson;
7 Douglas Johnson; Michael Johnson; Keirstin Jones; Tina Jones; Kenneth Keller;
8 Jill Link; Chris McCulloch; Sharon McCulloch; Todd McInnis; Heather Petro;
9 Matthew Petro; Luann Stephenson; William Stephenson; William Urdrian; and
10 Francelina Walker.
11

12 5) Correct Plaintiff Anita Jaruis' name in the body of the Complaint from
13 Anita Jarius to Anita Jaruis. Correct the spelling of Plaintiff's name, Shaun
14 Hunley, to Shawn Hunley.
15

16 6) Remove Plaintiff Millwee Holler-Kanaga, now deceased, and substitute with
17 Steven Kanaga in his capacity as Executor of the Estate of Millwee Holler-Kanaga.
18

19 7) Correct Defendant name from The 3M Company, f/k/a Minnesota Mining
20 and Manufacturing, Co. to 3M Company, f/k/a Minnesota Mining and
21 Manufacturing, Co. Correct Defendant name Chemguard Inc. to Chemguard, Inc.
22

23 8) Remove Plaintiffs' attorney, Daniel R. Hayward, from the attorney caption

1 and signature block. Attorney Daniel R. Hayward filed a Notice of Withdrawal on
2 May 18, 2018, at ECF No. 5.

3 9) Add Plaintiffs' attorney, Aaron Modiano of Napoli Shkolnik, to attorney
4 caption and signature block.

5
6 Plaintiffs CHRISTINA ACKERMAN; SUSAN BAKOS; PHYLLIS
7 BERGMAN; CHARLES BLAKE; SUSIE BUSH; GLENN CALLENDER;
8 JACQUELINE CALLENDER; JUSTIN CALLENDER; JERRI CARVER;
9 BARBARA COLLINS; BRUCE CORBETT; CHRISTY CORBETT; CHARLES
10 DAVIS; TERESA DAVIS; JULIE DIBBLE; CHAD EVANS; KRISTIN
11 EVANS; JOHN EYRE; VINCENT FIATTARONE; CHERYL FRENCH;
12 STEVEN FRENCH; ASHLEY GENZEL; COURTNIIE GILLETTE, Individually
13 and as Next Friend for her minor child, P.G.; MICAH GILLETTE, Individually
14 and as Next Friend for his minor child, P.G.; HELENE HATCH; BRITTANY
15 HENSLEY, Individually and as Next Friend for her minor child, L.H.; JORDAN
16 HENSLEY, Individually and as Next Friend for his minor child, L.H.; BILL
17 HIGGINS; JAKEN HUECHE; DENNIS HUNLEY; HEATHER HUNLEY,
18 Individually and as Next Friend for her minor children, P.H. and T.H.; JOANNE
19 HUNLEY; SHAWN HUNLEY; ANITA JARUIS; JENNIFER JOHNSON,
20
21
22

1 Individually and as Next Friend for her minor children, L.J. and Q. J.; SEAN
2 JOHNSON, Individually and as Next Friend for his minor children, L.J. and Q.J.;
3 DIANA KNEFF; STEVEN KANAGA, Individually and in his capacity as
4 Executor of the ESTATE OF MILLWEE HOLLER-KANAGA; RICHARD
5 LINK, Individually and as Next Friend for his minor child, G.L.; TERRI LINK;
6 JOSEPH MARTINEZ; JOHN MITSCHKE; YANG MITSCHKE; DONNA
7 O'BRIEN; JEREMY OWNBY; CORY PASSINETTI; EMMA PASSINETTI,
8 Individually and as Next Friend for her minor child, A.P.; JANA E PASSINETTI,
9 Individually and as Next Friend for her minor children, E.P., J.P., K.P., M.P., and
10 T.P.; JASON PASSINETTI; DONNA PETERSON; DELBERT REIBER;
11 Individually and as Next Friend for his minor children, A.R. and C.R.;
12 MARSHALL REIBER; SARRA REIBER; GARRET RUPERT, Individually and
13 as Next Friend for his minor children, C.R., K.R., and K.R.; HEATHER
14 RUPERT, Individually and as Next Friend for her minor children, C.R., K.R.,
15 and K.R.; LEWIS SCHWINN; BRADLY SHRUM; CORY SHRUM; JAN
16 SHARDELL SHRUM; JULIE SHRUM, Individually and as Next Friend for her
17 minor child, W.S; JALEY SIMMONS, Individually and as Next Friend for her
18 minor children, K.T. and K.T.; CHRIS TAYLOR, Individually and as Next
19 Friend for his minor children, K.T. and K.T.; PAMELA WILLIAMS;
20
21
22

1 ANTHONY ABEL; SAMANTHA BARCUS; MICHAEL BUYONAVICH;
2 JACKIE COLBURN; JOEL ERWIN; JENNIFER FOLAND; EARL FORSMAN,
3 Individually and in his capacity as Trustee for the EARL N. AND JANET L.
4 FORSMAN TRUST; JANET FORSMAN, Individually and in her capacity as
5 Trustee for the EARL N. AND JANET L. FORSMAN TRUST; ANTHONY
6 GALLEGOS; HELEN GALLEGOS; DEBRA GEHRET; ROBIN GIPSON;
7 AMY HAVENS, Individually and as Next Friend for her minor child, J.H.;
8 DONNA JOHNSON; DOUGLAS JOHNSON; MICHAEL JOHNSON;
9 KEIRSTIN JONES; TINA JONES; KENNETH KELLER; JILL LINK; CHRIS
10 MCCULLOCH; SHARON MCCULLOCH; TODD MCINNIS; HEATHER
11 PETRO; MATTHEW PETRO; LUANN STEPHENSON; WILLIAM
12 STEPHENSON; WILLIAM URDRIAN; and FRANCELINA WALKER;
13 individually and on behalf of all others similarly situated, by and through their
14 undersigned counsel, hereby file this Class Action Complaint, individually, and
15 on behalf of all others similarly situated, with individual claims and make these
16 allegations based on information and belief against Defendants, 3M COMPANY
17 (f/k/a Minnesota Mining and Manufacturing, Co), TYCO FIRE PRODUCTS
18 L.P., successor in interest to THE ANSUL COMPANY, BUCKEYE FIRE
19 EQUIPMENT CO., CHEMGUARD, INC.; and NATIONAL FOAM, INC.
20
21
22

(collectively “Defendants”):

I. INTRODUCTION

A. The Contamination of Airway Heights and Medical Lake

1.1 Fairchild Airforce Base (“Fairchild AFB”) is located approximately 12 miles west of Spokane, Washington. It contains a fire training site, as well as several historical firefighting training sites.

1.2 The United States Air Force (“USAF”) has conducted firefighting training exercises on Fairchild AFB from the 1970’s to date.

1.3 As part of firefighting training exercises, Fairchild AFB, like many other U.S. military bases, has used Aqueous Film Forming Foam (“AFFF”) and other materials containing perfluorooctanesulfonic acid (“PFOS”) and related fluorochemicals that can degrade to perfluorooctanoic acid (“PFOA”) or PFOS.

1.4 AFFF has been linked to the contamination of surface and groundwater with PFOA, PFOS and other perfluorinated chemicals (“PFC’s”) throughout the country.

1.5 The communities of Airway Heights and Medical Lake, Washington, (“Communities”) are nearby and downgradient of Fairchild AFB and have widespread contamination in their water supply as the result of AFFF used at Fairchild AFB.

1 1.6 Residents of the Communities receive their potable water either
2 from private wells or from their municipal water provider.

3 1.7 PFOA and PFOS that originated and were released from Fairchild
4 AFB have contaminated numerous private and public wells relied upon by the
5 Communities.

6 1.8 PFOA and PFOS has been detected in levels exceeding the current
7 EPA Health Advisory Limit of 70 parts per trillion (ppt) in both municipal and
8 private wells that provide water to the Communities.

9 1.9 Investigations have concluded that the basis for this widespread
10 contamination of the Communities' ground water is decades of use, storage, and
11 disposal of AFFF at Fairchild AFB that contained PFOA and PFOS.

12 1.10 In or around April 2017, Plaintiffs and the Putative Class were first
13 made aware that their drinking water was contaminated with PFC's, including
14 PFOA and PFOS, at hazardous levels and to seek alternate drinking water
15 supplies.

16 1.11 Several studies and assessments conducted by HydroGeoLogic, Inc.
17 ("HGL"), CH2M Hill ("CH2M"), the United States Air Force, the Environmental
18 Protection Agency's Office of Water ("EPAOW"), Amec Foster Wheeler
19 ("AFW"), and the Washington State Department of Ecology ("WSDE") all
20
21
22

1 confirmed the existence of widespread PFC contamination of the groundwater
2 resources for the Communities (“Areas of Investigation”).¹

3 1.12 Prior investigations by the USAF and WSDE also concluded that
4 decades of use, storage, and disposal of AFFF at Fairchild AFB caused the PFOA
5 and PFOS contamination of groundwater in the surrounding communities,
6 including contaminating the municipal water system and private wells serving
7 Airway Heights and Medical Lake.²

8
9 1.13 Defendants manufactured and distributed the AFFF to Fairchild
10 AFB, knowing that AFFF containing PFOA and/or PFOS presented an
11 unreasonable risk to human health and the environment and was inherently
12 dangerous.

13
14 1.14 Defendants also knew that PFOA and PFOS were highly soluble and
15 mobile in water, highly likely to contaminate water supplies and other sensitive
16 receptors, were persistent in the environment, and would bio-accumulate in
17 humans causing serious health effects.

18 1.15 Defendants marketed and sold their products with knowledge that
19

20 ¹ U.S. Air Force Engineering Center, Fairchild Air Force Base, Washington. *Action*
21 *Memorandum for a Time-Critical Removal Action Treatment of PFOS- and PFOA-*
Contaminated Water In Residential Wells Near Fairchild Air Force Base, Washington. Oct
2017.

22 ² Fairchild Air Force Base Washington. *Fairchild AFB Washington Administrative Record File*
Number 219. Sep. 1989.

1 large quantities of AFFF, containing toxic PFC's, would be used in training
2 exercises and in emergency situations at military bases, including Fairchild AFB,
3 in such a manner that PFOA and PFOS would contaminate the air, soil, and
4 groundwater.

5 1.16 The Defendants marketed and sold their products with knowledge
6 that large quantities of AFFF, containing toxic PFC's, would be stored in fire
7 suppressant systems and tanks on USAF Bases, including Fairchild AFB, and
8 that such systems and storage were used and maintained in such a manner that
9 dangerous chemicals would be released into the air, soil, and groundwater.
10

11 1.17 The Defendants failed in their duty to warn users, bystanders, and
12 sensitive receptors of the inherently dangerous properties of their AFFF.

13 1.18 The Putative Class represents over 11,600 residents of Airway
14 Heights and Medical Lake who were exposed to drinking water contaminated
15 with PFOA and/or PFOS from the Areas of Investigation, had their properties
16 and soil contaminated with PFOA and PFOS, and who suffered bioaccumulation
17 of PFOA and PFOS in their bodies.
18

19 **B. Health Effects of PFOS and PFOA Exposure**
20

21 1.19 Many parties have studied PFOA, also known as C8, including a
22 Science Panel formed out of a class action settlement arising from contamination

1 from DuPont's Washington Works located in Wood County, West Virginia.

2 1.20 The C8 panel consisted of three epidemiologists specifically tasked
3 with determining whether there was a probable link between PFOA exposure and
4 human diseases. In 2012, the panel found probable links between PFOA and
5 kidney cancer, testicular cancer, ulcerative colitis, thyroid disease, pregnancy
6 induced hypertension (including preeclampsia), and hypercholesterolemia.

7 1.21 Health effects of PFOS are the same as PFOA.

8
9 1.22 In the May 2015 "Madrid Statement on Poly- and Perfluoroalkyl
10 Substances (PFAS's)," scientists and other professionals from a variety of
11 disciplines, concerned about the production and release into the environment of
12 PFOA, called for greater regulation, restrictions, limits on the manufacture and
13 handling of any PFOA containing product, and to develop safe non-fluorinated
14 alternatives to these products to avoid long-term harm to human health and the
15 environment.³
16

17 1.23 The USEPA's Lifetime Health Advisory and Health Effects of 70
18 ppt, set in May 2016, was an attempt to identify the concentration of PFOA
19 and/or PFOS in drinking water at or below which health effects are not
20

21 ³ Blum A, Balan SA, Scheringer M, Trier X, Goldenman G, Cousins IT, Diamond M, Fletcher
22 T, Higgins C, Lindeman AE, Peaslee G, de Voogt P, Wang Z, Weber R. 2015. The Madrid
statement on poly- and perfluoroalkyl substances (PFASs). Environ Health Perspect 123:A107–
A111; <http://dx.doi.org/10.1289/ehp.1509934>.

1 anticipated to occur over a lifetime of exposure.⁴

2 1.24 Many states, however, have issued lower regulatory limits. For
3 example, Vermont has set a combined level of 20 ppt for PFOA and PFOS and
4 New Jersey has set a maximum contaminant level (MCL) of 14 ppt for PFOA.

5 1.25 California has listed PFOA and PFOS to its Proposition 65 list as a
6 chemical known to cause reproductive toxicity under the Safe Drinking Water
7 and Toxic Enforcement Act of 1986.

8
9 1.26 The United States Senate and House of Representatives passed the
10 National Defense Authorization Act in November 2017, which included \$42
11 Million to remediate PFC contamination from military bases, as well as devoting
12 \$7 Million toward the Investing in Testing Act, which authorizes the Center for
13 Disease Control and Prevention (“CDC”) to conduct a study into the long-term
14 health effects of PFOA and PFOS exposure.

15
16 1.27 Washington currently follows the USEPA level of 70 ppt for
17 combined PFOA and PFOS levels.

18 **C. The Putative Class and Plaintiffs’ Exposure and Damages**

19
20 1.28 Plaintiffs and the Putative Class have been injured as a result of
21 receiving water with elevated levels of PFC’s, including PFOA and PFOS.

22 ⁴ Lifetime Health Advisories and Health Effects Support Documents for Perfluorooctanoic Acid
and Perfluorooctane Sulfonate, 81 Fed. Reg. 101 (May 25, 2016).

1 1.29 Plaintiffs and the Putative Class have suffered exposure, personal
2 injury, bioaccumulation of PFC's in their blood which causes known cancers and
3 diseases, property damage, and the diminution of property value as a result of the
4 PFC contamination caused by AFFF, of their water supplies.

5 1.30 As a result of years of consuming contaminated water, the Plaintiffs
6 and the Putative Class, as residents in the communities of Airway Heights and
7 Medical Lake, have been unknowingly exposed for many years to PFC's at
8 concentrations hazardous to their health through the ingestion and dermal
9 absorption of PFOA and PFOS.
10

11 1.31 The properties of the Plaintiffs and the Putative Class have been
12 damaged as a result of the presence of PFC's in their homes, their soil,
13 surrounding property, and potable water supply.

14 1.32 Plaintiffs and the Putative Class seek recovery from all Defendants
15 for injuries, damages, and losses suffered by the Plaintiffs, each of whom
16 suffered injuries as a direct and proximate result of exposure to and consumption
17 of PFC-contaminated water from their drinking water supplies, in an amount to
18 be determined at trial, exclusive of interest, costs, and attorneys' fees.
19
20
21
22

II. JURISDICTION AND VENUE

2.1 This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332 (a)(1) and (d)(2) in that this action seeks monetary relief in excess of \$5,000,000.00, exclusive of interest, costs and attorney's fees and is between citizens of different States.

2.2 This Court has jurisdiction over Defendants pursuant to RCW § 4.12.025.

2.3 Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because the events or omissions by Defendants giving rise to the claims asserted herein occurred in the Eastern District of Washington and caused harm to Plaintiffs and the Class Members, the vast majority of whom reside in this District.

III. THE PARTIES

A. Plaintiffs and Class Representatives

3.1 Plaintiff Christina Ackerman is a former resident of Medical Lake, Washington, who currently resides at 405 North Megan Street, Post Falls, Idaho 83854. From 1997 to 2005 she resided at 4808 South Craig Road, Medical Lake, Washington 99022. The property received its water from a private well. PFC's entered the property, including but not limited to through the accumulation of PFC's in the pipes, faucets, showerheads, and appliances, as well as through

1 watering the lawn.

2 3.2 As a result of exposure to PFC's, Christina Ackerman's property has
3 declined in value.

4 3.3 Plaintiff Christina Ackerman has been exposed to elevated levels of
5 PFC's. As a result of her exposure to PFC's in the contaminated water supply,
6 she has been diagnosed with pregnancy issues and stomach issues and has
7 experienced bioaccumulation of PFOS and PFOA in her blood which carries a
8 heightened risk of developing several health conditions, including but not limited
9 to effects on the liver and immune system, high cholesterol levels, changes in
10 thyroid hormone, hypertension, ulcerative colitis, fertility issues, and kidney
11 cancer.
12

13 3.4 Plaintiff Susan Bakos is a resident of Florida. She formerly resided
14 at 17911 W. 12th Ave, Medical Lake, Washington 99022. She lived at that
15 address from 2006 to 2018, when she sold the property. The property receives
16 water from a private well. PFC's have entered the property, including but not
17 limited to through the accumulation of PFC's in the pipes, faucets, showerheads,
18 and appliances, as well as through watering the lawn.
19

20 3.5 Plaintiff Susan Bakos has been exposed to elevated levels of PFC's.
21 As a result of her exposure to PFC's in the contaminated water supply, she has
22

1 experienced bioaccumulation of PFOS and PFOA in her blood which carries a
2 heightened risk of developing several health conditions, including but not limited
3 to effects on the liver and immune system, high cholesterol levels, changes in
4 thyroid hormone, hypertension, ulcerative colitis, fertility issues, and kidney
5 cancer.

6 3.6 Plaintiff Phyllis Bergman is a resident of Medical Lake,
7 Washington, who currently resides at 14315 West Thorpe Road, Medical Lake,
8 Washington 99022. The property receives water from a private well. PFC's have
9 entered the property, including but not limited to through the accumulation of
10 PFC's in the pipes, faucets, showerheads, and appliances, as well as through
11 watering the lawn.
12

13 3.7 As a result of exposure to PFC's, Plaintiff Phyllis Bergman's
14 property has declined in value.
15

16 3.8 Plaintiff Phyllis Bergman has been exposed to elevated levels of
17 PFC's. As a result of her exposure to PFC's in the contaminated water supply,
18 she has been diagnosed with pregnancy problems, high blood pressure, ulcerative
19 colitis, high cholesterol, thyroid disease, and is at an increased risk of developing
20 several health conditions, including but not limited to effects on the liver and
21 immune system and kidney cancer.
22

1 3.9 Plaintiff Charles Blake is a resident of Airway Heights, Washington,
2 who currently resides at 1428 S. Lundstrum St. Apt. 7 Airway Heights, WA 99001.
3 He moved about a year ago from an address at 12823 West 13th #3, Airway
4 Heights, Washington 99001. He was at his previous address roughly six years. His
5 current and prior address are on city water. PFC's have entered the property,
6 including but not limited to through the accumulation of PFC's in the pipes,
7 faucets, showerheads, and appliances, as well as through watering the lawn.
8

9 3.10 Plaintiff Charles Blake is a resident of Airway Heights, Washington,
10 who currently resides at 1428 S. Lundstrum St. Apt. 7 Airway Heights, WA
11 99001. He moved in 2017 from an address at 12823 West 13th, #3, Airway
12 Heights, Washington 99001. He was at his previous address roughly six years.
13 His current and prior address are on city water. PFC's have entered the property,
14 including but not limited to through the accumulation of PFC's in the pipes,
15 faucets, showerheads, and appliances, as well as through watering the lawn.
16

17 3.11 Plaintiff Charles Blake has been exposed to elevated levels of
18 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he
19 has experienced bioaccumulation of PFOS and PFOA in his blood which carries
20 a heightened risk of developing several health conditions, including but not
21 limited to effects on the liver and immune system, high cholesterol levels,
22

1 changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues,
2 testicular cancer, and kidney cancer.

3 3.12 Plaintiff Susie Bush is a former resident of Airway Heights,
4 Washington, who currently resides at 10204 E. Valleyway, Spokane Valley, WA
5 99206. Her prior address was 12515 W. Frank St., Airway Heights, WA 99001.
6 Her prior address received water from the City of Airway Heights. PFC's have
7 entered the property, including but not limited to through the accumulation of
8 PFC's in the pipes, faucets, showerheads, and appliances, as well as through
9 watering the lawn.
10

11 3.13 Plaintiff Susie Bush has been exposed to elevated levels of PFC's.
12 As a result of her exposure to PFC's in the contaminated water supply, she has
13 been diagnosed with learning disabilities, social anxiety disorders,
14 hypothyroidism, premature ventricular contractions, asthma, and is at an
15 increased risk of developing several health conditions, including but not limited
16 to effects on the liver and immune system, high cholesterol levels, changes in
17 thyroid hormone, hypertension, ulcerative colitis, fertility issues, and kidney
18 cancer.
19

20 3.14 Plaintiffs Glenn Callender and Jacqueline Callender are residents of
21 Medical Lake, Washington, who currently reside at 14725 West Thorpe Road,
22

1 Washington 99022. They own the property, which receives water from a private
2 well. PFC's have entered the property, including but not limited to through the
3 accumulation of PFC's in the pipes, faucets, showerheads, and appliances, as
4 well as through watering the lawn.

5 3.15 Plaintiff Glenn Callender has been exposed to elevated levels of
6 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he
7 has been diagnosed with high cholesterol, and is at an increased risk of
8 developing several health conditions, including but not limited to effects on the
9 liver and immune system, changes in thyroid hormone, testicular disease, and
10 kidney cancer.
11

12 3.16 Plaintiff Jacqueline Callender has been exposed to elevated levels of
13 PFC's. As a result of her exposure to PFC's in the contaminated water supply,
14 Jacqueline Callender has been diagnosed with high cholesterol, high blood
15 pressure, and is at an increased risk of developing several health conditions,
16 including but not limited to pregnancy problems, miscarriages, and reproductive
17 problems, effects on the liver and immune system, changes in thyroid hormone,
18 and kidney cancer.
19

20 3.17 As a result of exposure to PFC's, Plaintiffs Jacqueline and Glenn
21 Callender's property has declined in value.
22

1 3.18 Plaintiff Justin Callender currently resides at 5015 S. Regal St.. Apt
2 H 1061, Spokane WA 99223. He has been a frequent visitor to the Medical Lake
3 and Airway Heights area and consumed the water at 14725 West Thorpe Road,
4 Washington 99022, owned by Jacqueline and Glenn Callender, which receives
5 water from a private well. PFC's have entered the property, including but not
6 limited to through the accumulation of PFC's in the pipes, faucets, showerheads,
7 and appliances, as well as through watering the lawn.
8

9 3.19 Plaintiff Justin Callender has been exposed to elevated levels of
10 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he
11 is at an increased risk for high cholesterol, high blood pressure, developing
12 several health conditions, including but not limited to effects on the liver and
13 immune system, changes in thyroid hormone, testicular disease, and kidney
14 cancer.
15

16 3.20 Plaintiff Jerri Carver is a resident of Medical Lake, Washington,
17 who currently resides at 13811 West Thorpe Road, Medical Lake, Washington
18 99022. She owns the property, which receives water from a private well. PFC's
19 have entered the property, including but not limited to through the accumulation
20 of PFC's in the pipes, faucets, showerheads, and appliances, as well as through
21 watering the lawn.
22

1 3.21 Plaintiff Jerri Carver has been exposed to elevated levels of PFC's.
2 As a result of her exposure to PFC's in the contaminated water supply, Jerri
3 Carver has been diagnosed with high cholesterol, high blood pressure, and is at
4 an increased risk of developing several health conditions, including but not
5 limited to effects on the liver and immune system, changes in thyroid hormone,
6 and kidney cancer. As a result of exposure to PFC's, Plaintiff Jerri Carver's
7 property has declined in value.
8

9 3.22 Plaintiff Barbara Collins is a resident of Medical Lake, Washington,
10 who currently resides at 13811 West Thorpe Road, Medical Lake, Washington
11 99022. She owns the property, which receives water from a private well. PFC's
12 have entered the property, including but not limited to through the accumulation
13 of PFC's in the pipes, faucets, showerheads, and appliances, as well as through
14 watering the lawn.
15

16 3.23 Plaintiff Barbara Collins has been exposed to elevated levels of
17 PFC's. As a result of her exposure to PFC's in the contaminated water supply,
18 Barbara Collins has been diagnosed with high blood pressure, and is at an
19 increased risk of developing several health conditions, including but not limited
20 to effects on the liver and immune system, high cholesterol levels, changes in
21 thyroid hormone, and kidney cancer.
22

1 3.24 As a result of exposure to PFC's, Plaintiff Barbara Collins' property
2 has declined in value.

3 3.25 Plaintiffs Bruce and Christy Corbett are residents of Medical Lake,
4 Washington, who currently reside at 17912 West 12th Ave., Medical Lake,
5 Washington 99022. They have lived at that address since 1993. The property
6 receives water from a private well. PFC's have entered the property, including
7 but not limited to through the accumulation of PFC's in the pipes, faucets,
8 showerheads, and appliances, as well as through watering the lawn.

9
10 3.26 Plaintiff Bruce Corbett has been exposed to elevated levels of
11 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he
12 has been diagnosed with blood clots and has experienced bioaccumulation of
13 PFOS and PFOA in his blood which carries a heightened risk of developing
14 several health conditions, including but not limited to effects on the liver and
15 immune system, high cholesterol levels, changes in thyroid hormone,
16 hypertension, ulcerative colitis, fertility issues, testicular cancer, and kidney
17 cancer.
18

19 3.27 Plaintiff Christy Corbett has been exposed to elevated levels of
20 PFC's. As a result of her exposure to PFC's in the contaminated water supply,
21 she has experienced bioaccumulation of PFOS and PFOA in her blood which
22

1 carries a heightened risk of developing several health conditions, including but
2 not limited to effects on the liver and immune system, high cholesterol levels,
3 changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues, and
4 kidney cancer.

5 3.28 As a result of exposure to PFC's, Plaintiffs Bruce and Christy
6 Corbetts' property has declined in value.

7 3.29 Plaintiffs Charles and Teresa Davis are residents of Airway Heights,
8 Washington, who currently reside at 1701 S. Lawson #45, Airway Heights,
9 Washington 99001. They have lived at that location for the last eight years. The
10 property receives water from the City of Airway Heights. PFC's have entered the
11 property, including but not limited to through the accumulation of PFC's in the
12 pipes, faucets, showerheads, and appliances, as well as through watering the
13 lawn.
14

15 3.30 Plaintiff Charles Davis has been exposed to elevated levels of
16 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he
17 has experienced additional complication with diabetes and high blood pressure
18 and is at an increased risk of developing several health conditions, including but
19 not limited to effects on the liver and immune system, high cholesterol levels,
20 changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues, and
21
22

1 kidney cancer.

2 3.31 Plaintiff Teresa Davis has been exposed to elevated levels of PFC's.
3 As a result of her exposure to PFC's in the contaminated water supply, she has
4 been diagnosed with a variety of thyroid issues and is at an increased risk of
5 developing several health conditions, including but not limited to effects on the
6 liver and immune system, high cholesterol levels, changes in thyroid hormone,
7 hypertension, ulcerative colitis, fertility issues, testicular cancer, and kidney
8 cancer.
9

10 3.32 Plaintiff Julie Dibble is a resident of Medical Lake, Washington,
11 who currently resides at 14315 West Thorpe Road, Medical Lake, Washington
12 99022. She owns the property, which receives water from a private well. PFC's
13 have entered the property, including but not limited to through the accumulation
14 of PFC's in the pipes, faucets, showerheads, and appliances, as well as through
15 watering the lawn.
16

17 3.33 Plaintiff Julie Dibble has been exposed to elevated levels of PFC's.
18 As a result of her exposure to PFC's in the contaminated water supply, Julie
19 Dibble has been diagnosed with pregnancy problems, miscarriages, and
20 reproductive problems, high blood pressure, ulcerative colitis, high cholesterol,
21 thyroid disease, liver disease, and is at an increased risk of developing several
22

1 health conditions, including but not limited to effects on the immune system and
2 kidney cancer.

3 3.34 As a result of exposure to PFC's, Plaintiff Julie Dibble's property
4 has declined in value.

5 3.35 Plaintiff Chad and Kristin Evans are residents of Airway Heights,
6 Washington, who currently reside at 811 S. Campbell St. Airway Heights,
7 Washington 99001. They have lived at this address since January 2015. The
8 property receives water from a private well. Their prior address was 1038 S.
9 Campbell, Airway Heights, WA 99001. They lived at that address from May
10 2014 until they moved into their current location. Their previous address received
11 water from the City of Airway Heights. PFC's have entered the property,
12 including but not limited to through the accumulation of PFC's in the pipes,
13 faucets, showerheads, and appliances, as well as through watering the lawn.
14

15 3.36 As a result of exposure to PFC's, Plaintiffs Chad and Kristin Evans'
16 property has declined in value.
17

18 3.37 Plaintiff Chad Evans has been exposed to elevated levels of PFC's.
19 As a result of his exposure to PFC's in the contaminated water supply, he has
20 experienced bioaccumulation of PFOS and PFOA in his blood which carries a
21 heightened risk of developing several health conditions, including but not limited
22

1 to effects on the liver and immune system, high cholesterol levels, changes in
2 thyroid hormone, hypertension, ulcerative colitis, fertility issues, testicular
3 cancer, and kidney cancer.

4 3.38 Plaintiff Kristin Evans has been exposed to elevated levels of
5 PFC's. As a result of her exposure to PFC's in the contaminated water supply,
6 she has been diagnosed with fibromyalgia, experienced a potentially fatal
7 pregnancy, and has experienced bioaccumulation of PFOS and PFOA in her
8 blood which carries a heightened risk of developing several health conditions,
9 including but not limited to effects on the liver and immune system, high
10 cholesterol levels, changes in thyroid hormone, hypertension, ulcerative colitis,
11 fertility issues, and kidney cancer.

13 3.39 Plaintiff John Eyre is former resident of Airway Heights,
14 Washington, who currently resides at 25802 W. State Route 2 Reardan WA
15 99029. His prior address was 1810 S. Lyons Airway Heights, WA 99001. His
16 prior address received water from a private well. PFC's have entered the
17 property, including but not limited to through the accumulation of PFC's in the
18 pipes, faucets, showerheads, and appliances, as well as through watering the
19 lawn.
20

21 3.40 Plaintiff John Eyre has been exposed to elevated levels of PFC's. As
22

1 a result of his exposure to PFC's in the contaminated water supply, he has
2 experienced bioaccumulation of PFOS and PFOA in his blood which carries a
3 heightened risk of developing several health conditions, including but not limited
4 to effects on the liver and immune system, high cholesterol levels, changes in
5 thyroid hormone, hypertension, ulcerative colitis, fertility issues, testicular
6 cancer, and kidney cancer.

7
8 3.41 Plaintiff Vincent Fiattarone is former resident of Medical Lake,
9 Washington, who currently resides at 3303 N. Lee St., Spokane, WA 99207. His
10 prior address was 17911 W. 12th Ave, Medical Lake, WA 99022. He lived at his
11 prior address from 2006 to 2015. He also worked in Airway heights during the
12 entire timeframe. His prior address received water from a private well and his
13 workplace receives water from the City of Airway Heights. PFC's have entered
14 the property, including but not limited to through the accumulation of PFC's in
15 the pipes, faucets, showerheads, and appliances, as well as through watering the
16 lawn.

17
18 3.42 Plaintiff Vincent Fiattarone has been exposed to elevated levels of
19 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he
20 has stomach issues and has experienced bioaccumulation of PFOS and PFOA in
21 his blood which carries a heightened risk of developing several health conditions,
22

1 including but not limited to effects on the liver and immune system, high
2 cholesterol levels, changes in thyroid hormone, hypertension, ulcerative colitis,
3 fertility issues, testicular cancer, and kidney cancer.

4 3.43 As a result of exposure to PFC's, Plaintiff Vincent Fiattarone's
5 property declined in value and demand. His property was being leased by a tenant
6 with an option to purchase. After the discovery of the contamination, the tenant
7 refused to honor the lease agreement and did not exercise the option to purchase.
8 Mr. Fiattarone had difficulty finding another renter or buyer. After several failed
9 attempts, he was forced to sell his property for some \$30,000 less than the tax
10 assessed value.
11

12 3.44 Plaintiffs Cheryl French and Steven French are residents of Medical
13 Lake, Washington, who currently reside at 4708 South Craig Road. They own the
14 property, which receives water from a private well. PFC's have entered the
15 property, including but not limited to through the accumulation of PFC's in the
16 pipes, faucets, showerheads, and appliances, as well as through watering the
17 lawn.
18

19 3.45 Plaintiff Cheryl French has been exposed to elevated levels of
20 PFC's. As a result of her exposure to PFC's in the contaminated water supply,
21 Cheryl French has been diagnosed with high cholesterol and kidney disease and
22

1 is at an increased risk of developing several health conditions, including but not
2 limited to effects on the liver and immune system, high cholesterol levels,
3 changes in thyroid hormone, and kidney cancer.

4 3.46 Plaintiff Steven French has been exposed to elevated levels of
5 PFC's. As a result of his exposure to PFC's in the contaminated water supply,
6 Steven French has been diagnosed with kidney disease, high cholesterol, high
7 blood pressure, and is at an increased risk of developing several health
8 conditions, including but not limited to effects on the liver and immune system,
9 changes in thyroid hormone, and kidney cancer.
10

11 3.47 As a result of exposure to PFC's, Plaintiffs Cheryl and Steven
12 French's property has declined in value.

13 3.48 Plaintiff Ashley Genzel is former resident of Airway Heights,
14 Washington, who currently resides at 1303 SE Dalton Dr. Lee's Summit, MO
15 64081. Her prior addresses were 715 S. Hayford Rd., Apt S304, Spokane, WA
16 99221 and 1810 S. Lyons, Airway Heights, WA 99001. She spent five years
17 between the two addresses (2009-2014). Both addresses received water from the
18 City of Airway Heights. PFC's have entered the property, including but not
19 limited to through the accumulation of PFC's in the pipes, faucets, showerheads,
20 and appliances, as well as through watering the lawn.
21
22

1 3.49 Plaintiff Ashley Genzel has been exposed to elevated levels of
2 PFC's. As a result of her exposure to PFC's in the contaminated water supply,
3 she was diagnosed with thyroid cancer (which required thyroidectomy in 2015),
4 migraines, infertility and has experienced bioaccumulation of PFOS and PFOA in
5 her blood which carries a heightened risk of developing several health conditions,
6 including but not limited to effects on the liver and immune system, high
7 cholesterol levels, changes in thyroid hormone, hypertension, ulcerative colitis,
8 fertility issues, and kidney cancer.
9

10 3.50 Plaintiffs Courtnie and Micah Gillette and their minor child P.G., are
11 previous residents of Airway Heights, Washington, who currently reside at 2108
12 High Ave. Panama City, FL 32405. They have lived at their current address since
13 November 2016. Their prior address was 12618 W. 2nd Ave., Airway Heights,
14 WA 99001. They lived at the previous address for approximately three years.
15 Their prior residence received water from the City of Airway Heights. PFC's
16 have entered the property, including but not limited to through the accumulation
17 of PFC's in the pipes, faucets, showerheads, and appliances, as well as through
18 watering the lawn.
19

20 3.51 Plaintiff Courtnie Gillette has been exposed to elevated levels of
21 PFC's. As a result of her exposure to PFC's in the contaminated water supply,
22

1 she has been diagnosed with chronic sinusitis, cystic acne, periodontal disease,
2 gastro-intestinal issues, chronic fatigue and adrenal failure and has experienced
3 bioaccumulation of PFOS and PFOA in her blood which carries a heightened risk
4 of developing several health conditions, including but not limited to effects on
5 the liver and immune system, high cholesterol levels, changes in thyroid
6 hormone, hypertension, ulcerative colitis, fertility issues, and kidney cancer.

7
8 3.52 Plaintiff Micah Gillette has been exposed to elevated levels of
9 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he
10 has been diagnosed with gastrointestinal issues and is at an increased risk of
11 developing several health conditions, including but not limited to effects on the
12 liver and immune system, high cholesterol levels, changes in thyroid hormone,
13 hypertension, ulcerative colitis, fertility issues, testicular cancer, and kidney
14 cancer.

15
16 3.53 The Gillette's minor child, P.G., has been exposed to elevated levels
17 of PFC's. As a result of her exposure to PFC's in the contaminated water supply,
18 she has been diagnosed with early age tooth decay and difficulty gaining weight
19 and has experienced bioaccumulation of PFOS and PFOA in her blood which
20 carries a heightened risk of developing several health conditions, including but
21 not limited to effects on the liver and immune system, high cholesterol levels,
22

1 changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues, and
2 kidney cancer.

3 3.54 Plaintiff Helene Hatch is a resident of Airway Heights, Washington,
4 who currently resides at 12510 W. 9th Ave. Airway Heights, WA 99001. She has
5 lived at that address for over a year. The property is on city water. PFC's have
6 entered the property, including but not limited to through the accumulation of
7 PFC's in the pipes, faucets, showerheads, and appliances, as well as through
8 watering the lawn.
9

10 3.55 Plaintiff Helene Hatch has been exposed to elevated levels of PFC's.
11 As a result of her exposure to PFC's in the contaminated water supply, she has
12 experienced irritable bowel syndrome and stomach issues that resolved as soon as
13 she stopped drinking the water. As a result of her exposure to PFC's in the
14 contaminated water supply, she has experienced bioaccumulation of PFOS and
15 PFOA in her blood which carries a heightened risk of developing several health
16 conditions, including but not limited to effects on the liver and immune system,
17 high cholesterol levels, changes in thyroid hormone, hypertension, ulcerative
18 colitis, fertility issues, and kidney cancer.
19

20 3.56 As a result of exposure to PFC's, Plaintiff Helene Hatch's property
21 has declined in value.
22

1 3.57 Plaintiffs Brittany and Jordan Hensley and their minor child, L.H.,
2 are former residents of Medical Lake and Airway Heights, who currently reside
3 at 1009 East 10th Avenue, Spokane, Washington 99202. At all times relevant
4 herein, they lived at 14725 West Thorpe Road, Medical Lake, Washington 99022
5 and 209 S. Molly Mitchell Dr., Airway Heights, Washington 99001. PFC's have
6 entered the properties, including but not limited to through the accumulation of
7 PFC's in the pipes, faucets, showerheads, and appliances, as well as through
8 watering the lawn.
9

10 3.58 Plaintiff Brittany Hensley has been exposed to elevated levels of
11 PFC's. As a result of her exposure to PFC's in the contaminated water supply,
12 she has been diagnosed with pregnancy problems, miscarriages, and reproductive
13 problems, thyroid disease, high cholesterol, and is at an increased risk of
14 developing several health conditions, including but not limited to effects on the
15 liver and immune system, changes in thyroid hormone, and kidney cancer.
16

17 3.59 Plaintiff Jordan Hensley has been exposed to elevated levels of
18 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he
19 is at an increased risk of kidney disease, high cholesterol, high blood pressure,
20 and of developing several health conditions, including but not limited to effects
21 on the liver and immune system, testicular disease, changes in thyroid hormone,
22

1 and kidney cancer.

2 3.60 The Hensley's minor child, L.H., has been exposed to elevated
3 levels of PFC's. As a result of his exposure to PFC's in the contaminated water
4 supply, he is at an increased risk of kidney disease, high cholesterol, high blood
5 pressure, and of developing several health conditions, including but not limited to
6 effects on the liver and immune system, testicular disease, changes in thyroid
7 hormone, and kidney cancer.

8
9 3.61 Plaintiffs Bill Higgins is a resident of Medical Lake, Washington,
10 who currently resides at 19804 W. Steinmetz Lane, Medical Lake, WA 99022.
11 He has lived at that address for seven years and worked for the local casino for
12 twelve years. The home and casino are on city water. PFC's have entered the
13 property, including but not limited to through the accumulation of PFC's in the
14 pipes, faucets, showerheads, and appliances, as well as through watering the
15 lawn.

16
17 3.62 Plaintiff Bill Higgins has been exposed to elevated levels of PFC's.
18 As a result of his exposure to PFC's in the contaminated water supply, he has
19 been diagnosed with ulcerative colitis, skin cancer, and Type 2 diabetes and has
20 experienced bioaccumulation of PFOS and PFOA in his blood which carries a
21 heightened risk of developing several health conditions, including but not limited
22

1 to effects on the liver and immune system, high cholesterol levels, changes in
2 thyroid hormone, hypertension, ulcerative colitis, fertility issues, testicular
3 cancer, and kidney cancer.

4 3.63 Plaintiff Jaken Hueche is a resident of Medical Lake, Washington,
5 who currently resides at 14315 West Thorpe Road, Medical Lake, Washington,
6 99022. The property receives water from a private well. PFC's have entered the
7 property, including but not limited to through the accumulation of PFC's in the
8 pipes, faucets, showerheads, and appliances, as well as through watering the
9 lawn.
10

11 3.64 Plaintiff Jaken Hueche has been exposed to elevated levels of PFC's
12 and has a bioaccumulation of PFC's. As a result of his exposure to PFC's in the
13 contaminated water supply, he has been diagnosed with high cholesterol levels,
14 high blood pressure, ulcerative colitis, and is at an increased risk of developing
15 several health conditions, including but not limited to effects on the liver and
16 immune system, changes in thyroid hormone, testicular disease, and kidney
17 cancer.
18

19 3.65 Plaintiffs Dennis and Joanne Hunley are residents of Airway
20 Heights, Washington, who currently reside at 1807 S. Lions Rd. Airway Heights,
21 WA 99001. They have lived at the address since 1984. The property receives
22

1 water from a private well. PFC's have entered the property, including but not
2 limited to through the accumulation of PFC's in the pipes, faucets, showerheads,
3 and appliances, as well as through watering the lawn.

4 3.66 As a result of exposure to PFC's, Plaintiffs Dennis and Joanne
5 Hunley's property has declined in value.

6 3.67 Plaintiff Dennis Hunley has been exposed to elevated levels of
7 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he
8 has been diagnosed with thyroid issues and has experienced bioaccumulation of
9 PFOS and PFOA in his blood which carries a heightened risk of developing
10 several health conditions, including but not limited to effects on the liver and
11 immune system, high cholesterol levels, changes in thyroid hormone,
12 hypertension, ulcerative colitis, fertility issues, testicular cancer, and kidney
13 cancer.
14

15 3.68 Plaintiff Joanne Hunley has been exposed to elevated levels of
16 PFC's. As a result of her exposure to PFC's in the contaminated water supply,
17 she has experienced bioaccumulation of PFOS and PFOA in her blood which
18 carries a heightened risk of developing several health conditions, including but
19 not limited to effects on the liver and immune system, high cholesterol levels,
20 changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues, and
21
22

1 kidney cancer.

2 3.69 Plaintiffs Heather and Shawn Hunley, and their minor children, P.H.
3 and T.H., are residents of Airway Heights, Washington, who currently reside at
4 1813 S. Lyons Airway Heights, WA 99001. Mr. Hunley has lived on the property
5 since 1991. Ms. Hunley has lived on the property since 2007. The property
6 receives water from a private well located on Plaintiff Dennis Hunley's property.
7 PFC's have entered the property, including but not limited to through the
8 accumulation of PFC's in the pipes, faucets, showerheads, and appliances, as
9 well as through watering the lawn.
10

11 3.70 Plaintiff Heather Hunley has been exposed to elevated levels of
12 PFC's. As a result of her exposure to PFC's in the contaminated water supply,
13 she has been diagnosed with hypothyroidism and has experienced
14 bioaccumulation of PFOS and PFOA in her blood which carries a heightened risk
15 of developing several health conditions, including but not limited to effects on
16 the liver and immune system, high cholesterol levels, changes in thyroid
17 hormone, hypertension, ulcerative colitis, fertility issues, and kidney cancer.
18

19 3.71 Plaintiff Shawn Hunley has been exposed to elevated levels of
20 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he
21 has experienced bioaccumulation of PFOS and PFOA in his blood which carries
22

1 a heightened risk of developing several health conditions, including but not
2 limited to effects on the liver and immune system, high cholesterol levels,
3 changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues,
4 testicular cancer, and kidney cancer.

5 3.72 The Hunley's minor child, P.H., has been exposed to elevated levels
6 of PFC's. As a result of her exposure to PFC's in the contaminated water supply,
7 she has experienced bioaccumulation of PFOS and PFOA in her blood which
8 carries a heightened risk of developing several health conditions, including but
9 not limited to effects on the liver and immune system, high cholesterol levels,
10 changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues, and
11 kidney cancer.

12 3.73 The Hunley's other minor child, T.H., has been exposed to elevated
13 levels of PFC's. As a result of his exposure to PFC's in the contaminated water
14 supply, he has experienced bioaccumulation of PFOS and PFOA in his blood
15 which carries a heightened risk of developing several health conditions, including
16 but not limited to effects on the liver and immune system, high cholesterol levels,
17 changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues,
18 testicular cancer, and kidney cancer.

19 3.74 Plaintiff Anita Jaruis is a resident of Medical Lake, Washington,
20
21
22

1 who currently resides at 14315 West Thorpe Road, Medical Lake, Washington
2 99022. She owns the property, which receives water from a private well. PFC's
3 have entered the property, including but not limited to through the accumulation
4 of PFC's in the pipes, faucets, showerheads, and appliances, as well as through
5 watering the lawn.

6 3.75 Plaintiff Anita Jaruis has been exposed to elevated levels of PFC's.
7 As a result of her exposure to PFC's in the contaminated water supply, she has
8 been diagnosed with pregnancy problems, high blood pressure, high cholesterol,
9 thyroid disease, ulcerative colitis and is at an increased risk of developing several
10 health conditions, including but not limited to effects on the liver and immune
11 system, and kidney cancer.

12 3.76 As a result of exposure to PFC's, Plaintiff Anita Jaruis' property has
13 declined in value.

14 3.77 Plaintiffs Jennifer and Sean Johnson and their minor children, L.J.
15 and Q.J., currently reside at 2832 E. 35th Ave., Spokane, WA 99223. At all times
16 relevant herein, they regularly spent substantial time at 14725 West Thorpe Road,
17 Medical Lake, Washington 99022. The property received its water from a private
18 well. PFC's have entered the Medical Lake property, including but not limited to
19 through the accumulation of PFC's in the pipes, faucets, showerheads, and
20
21
22

appliances, as well as through watering the lawn.

3.78 Plaintiff Jennifer Johnson has been exposed to elevated levels of PFC's. As a result of her exposure to PFC's in the contaminated water supply, she is at an increased risk of pregnancy problems, high blood pressure, high cholesterol, thyroid disease, ulcerative colitis and of developing several health conditions, including but not limited to effects on the liver and immune system, and kidney cancer.

3.79 Plaintiff Sean Johnson has been exposed to elevated levels of PFC's. As a result of his exposure to PFC's in the contaminated water supply, he is at an increased risk of high blood pressure, high cholesterol, thyroid disease, ulcerative colitis and of developing several health conditions, including but not limited to testicular disease, effects on the liver and immune system, and kidney cancer.

3.80 The Johnson's minor child, L.J., has been exposed to elevated levels of PFC's. As a result of his exposure to PFC's in the contaminated water supply he suffers from expressive speech disorder, sensory processing disorder, neurological disorder, developmental disorder and is at an increased risk of high blood pressure, high cholesterol, thyroid disease, ulcerative colitis and of developing several health conditions, including but not limited to testicular

1 disease, effects on the liver and immune system, and kidney cancer.

2 3.81 The Johnson's other minor child, Q.J., has been exposed to elevated
3 levels of PFC's. As a result of his exposure to PFC's in the contaminated water
4 supply, he is at an increased risk of high blood pressure, high cholesterol, thyroid
5 disease, ulcerative colitis and of developing several health conditions, including
6 but not limited to testicular disease, effects on the liver and immune system, and
7 kidney cancer.

8
9 3.82 Plaintiff Diana Kneff is a resident of Airway Heights, Washington,
10 who currently resides at 12502 W. 21st St., Airway Heights, WA 99001. She has
11 lived there for ten years and has lived in Airway Heights since the 1980's. The
12 property receives water from a private well. PFC's have entered the property,
13 including but not limited to through the accumulation of PFC's in the pipes,
14 faucets, showerheads, and appliances, as well as through watering the lawn.

15
16 3.83 As a result of exposure to PFC's, Plaintiff Diana Kneff's property
17 has declined in value.

18 3.84 Plaintiff Diana Kneff has been exposed to elevated levels of PFC's.
19 As a result of her exposure to PFC's in the contaminated water supply, she has
20 been diagnosed with multiple urinary tract infections (UTI), high cholesterol,
21 anxiety, nausea, and vomiting and has experienced bioaccumulation of PFOS and
22

1 PFOA in her blood which carries a heightened risk of developing several health
2 conditions, including but not limited to effects on the liver and immune system,
3 high cholesterol levels, changes in thyroid hormone, hypertension, ulcerative
4 colitis, fertility issues, and kidney cancer.

5 3.85 Plaintiff Steven Kanaga is a resident of Medical Lake, Washington,
6 who currently resides at 14808 W. Thorpe Rd., Medical Lake, WA 99022. Steven
7 Kanaga's wife, Millwee Holler-Kanaga, died on June 14, 2018. Mr. Kanaga is
8 the executor of the estate of Ms. Holler-Kanaga. Prior to her death, Mr. Kanaga
9 and his wife lived at the Thorpe Rd. address since 1994; Mr. Kanaga lives there
10 still. The property receives water from a private well. Mrs. Holler-Kanaga's prior
11 address was 14525 W. Thorpe Rd. Medical Lake, WA 9022. She lived at her
12 previous address from 1960 to 1974 and 1980 to 1994. Her prior residence
13 received water from a private well. PFC's have entered both properties, including
14 but not limited to through the accumulation of PFC's in the pipes, faucets,
15 showerheads, and appliances, as well as through watering the lawn.

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17
18 3.86 Plaintiff Kanaga's wife, Millwee Holler-Kanaga, was exposed to
19 elevated levels of PFC's. As a result of her exposure to PFC's in the
20 contaminated water supply, she experienced bioaccumulation of PFOS and
21 PFOA in her blood, which carries a heightened risk of developing several health
22

1 conditions, including but not limited to effects on the liver and immune system,
2 high cholesterol levels, changes in thyroid hormone, hypertension, ulcerative
3 colitis, fertility issues, testicular cancer, and kidney cancer. Mrs. Holler-Kanaga
4 died of liver cancer on June 14, 2018. Mr. Kanaga is the executor of Mrs. Holler-
5 Kanaga's estate.

6 3.87 Plaintiff Steven Kanaga has been exposed to elevated levels of
7 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he
8 has experienced bioaccumulation of PFOS and PFOA in his blood which carries
9 a heightened risk of developing several health conditions, including but not
10 limited to effects on the liver and immune system, high cholesterol levels,
11 changes in thyroid hormone, hypertension, ulcerative colitis, testicular cancer,
12 fertility issues, and kidney cancer.

13 3.88 As a result of exposure to PFC's, Plaintiff Steven Kanaga's property
14 has declined in value.

15 3.89 Plaintiffs Richard and Terri Link, and their minor child, G.L., are
16 residents of Airway Heights, Washington, who currently reside at 1701 S.
17 Lawson St., Lot #2, Airway Heights, WA 99001. They have lived at this address
18 for ten years. The property receives water from the City of Airway Heights.
19 PFC's have entered the property, including but not limited to through the
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1 accumulation of PFC's in the pipes, faucets, showerheads, and appliances, as
2 well as through watering the lawn.

3 3.90 Plaintiff Richard Link has been exposed to elevated levels of PFC's.
4 As a result of his exposure to PFC's in the contaminated water supply, he has
5 been diagnosed with weight problems, flu-like symptoms, fatigue, diarrhea, and
6 has experienced bioaccumulation of PFOS and PFOA in his blood which carries
7 a heightened risk of developing several health conditions, including but not
8 limited to effects on the liver and immune system, high cholesterol levels,
9 changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues,
10 testicular cancer, and kidney cancer.

12 3.91 Plaintiff Terri Link has been exposed to elevated levels of PFC's.
13 As a result of her exposure to PFC's in the contaminated water supply, she has
14 been diagnosed with seizures, nodules on her thyroid, hyperglycemia, Crohn's
15 disease and hormone imbalances and has experienced bioaccumulation of PFOS
16 and PFOA in her blood which carries a heightened risk of developing several
17 health conditions, including but not limited to effects on the liver and immune
18 system, high cholesterol levels, changes in thyroid hormone, hypertension,
19 ulcerative colitis, fertility issues, and kidney cancer.

21 3.92 The Link's minor child, G.L., has been exposed to elevated levels
22

1 of PFC's. As a result of her exposure to PFC's in the contaminated water supply,
2 she has experienced bioaccumulation of PFOS and PFOA in her blood which
3 carries a heightened risk of developing several health conditions, including but
4 not limited to effects on the liver and immune system, high cholesterol levels,
5 changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues, and
6 kidney cancer.

7
8 3.93 Plaintiff Joseph Martinez is a former resident of Airway Heights,
9 Washington, who currently resides at 2816 W. Everett Ave. Spokane, WA 99205.
10 His prior address was 1020 S. Easy Street, Airway Heights, WA 99001. He lived
11 at his prior address for roughly eight years. His prior address received water from
12 the City of Airway Heights. PFC's have entered the property, including but not
13 limited to through the accumulation of PFC's in the pipes, faucets, showerheads,
14 and appliances, as well as through watering the lawn.

15
16 3.94 Plaintiff Joseph Martinez has been exposed to elevated levels of
17 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he
18 has been diagnosed with high blood pressure, high cholesterol, stroke at age
19 thirty-two, stomach issues, and thyroid issues and has experienced
20 bioaccumulation of PFOS and PFOA in his blood which carries a heightened risk
21 of developing several health conditions, including but not limited to effects on
22

1 the liver and immune system, high cholesterol levels, changes in thyroid
2 hormone, hypertension, ulcerative colitis, fertility issues, testicular cancer, and
3 kidney cancer.

4 3.95 Plaintiffs John and Yang Mitschke are residents of Medical Lake,
5 Washington, who currently reside at 16412 W. Boone Lane, Medical Lake, WA
6 99022. They also own a business located at 13220 W. Sunset Hwy Airway
7 Heights, WA 99001. They own multiple parcels in the Medical Lake area. The
8 residence receives water from a private well and their business receives water
9 from the City of Airway Heights. PFC's have entered the property, including but
10 not limited to through the accumulation of PFC's in the pipes, faucets,
11 showerheads, and appliances, as well as through watering the lawn.

13 3.96 Plaintiff John Mitschke has been exposed to elevated levels of
14 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he
15 has been diagnosed with multiple sclerosis and high cholesterol and has
16 experienced bioaccumulation of PFOS and PFOA in his blood which carries a
17 heightened risk of developing several health conditions, including but not limited
18 to effects on the liver and immune system, high cholesterol levels, changes in
19 thyroid hormone, hypertension, ulcerative colitis, fertility issues, testicular
20 cancer, and kidney cancer.
21
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1 3.97 Plaintiff Yang Mitschke has been exposed to elevated levels of
2 PFC's. As a result of her exposure to PFC's in the contaminated water supply,
3 she has been diagnosed with thyroid issues and has experienced bioaccumulation
4 of PFOS and PFOA in her blood which carries a heightened risk of developing
5 several health conditions, including but not limited to effects on the liver and
6 immune system, high cholesterol levels, changes in thyroid hormone,
7 hypertension, ulcerative colitis, fertility issues, and kidney cancer.
8

9 3.98 As a result of exposure to PFC's, Plaintiffs John and Yang
10 Mitschke's properties have declined in value.

11 3.99 Plaintiff Donna O'Brien is former resident of Airway Heights,
12 Washington, who currently resides at 10204 E. Valleyway, Spokane, WA 99206.
13 Her prior address was 12528 W. Frank, Airway Heights, WA 99001. She lived at
14 the prior address from 1985 to 2011. The prior address receives water from the
15 city of Airway Heights. PFC's have entered the property, including but not
16 limited to through the accumulation of PFC's in the pipes, faucets, showerheads,
17 and appliances, as well as through watering the lawn.
18

19 3.100 Plaintiff Donna O'Brien has been exposed to elevated levels of
20 PFC's. As a result of her exposure to PFC's in the contaminated water supply,
21 she has been diagnosed with severe hyperthyroidism and kidney cancer and has
22

1 experienced bioaccumulation of PFOS and PFOA in her blood which carries a
2 heightened risk of developing several health conditions, including but not limited
3 to effects on the liver and immune system, high cholesterol levels, changes in
4 thyroid hormone, hypertension, ulcerative colitis, fertility issues, and kidney
5 cancer.

6 3.101 Plaintiff Jeremy Ownby is a former resident of Airway Heights,
7 Washington, who currently resides at 212 N. Main St., Latah, WA 99018. His
8 prior address was 12508 W. 21st Ave Airway Heights, WA 99001. He lived at
9 his prior address for 20 years. His prior address receives water from a private
10 well. He also worked in Airway Heights and drank the water from the City of
11 Airway Heights. PFC's have entered the property, including but not limited to
12 through the accumulation of PFC's in the pipes, faucets, showerheads, and
13 appliances, as well as through watering the lawn.
14

15 3.102 Plaintiff Jeremy Ownby has been exposed to elevated levels of
16 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he
17 has been diagnosed with childhood ulcer issues, several hip surgeries due to
18 osteoarthritis and has experienced bioaccumulation of PFOS and PFOA in his
19 blood which carries a heightened risk of developing several health conditions,
20 including but not limited to effects on the liver and immune system, high
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22

1 cholesterol levels, changes in thyroid hormone, hypertension, ulcerative colitis,
2 fertility issues, testicular cancer, and kidney cancer.

3 3.103 Plaintiff Cory Passinetti currently resides at 210 W. 19th Unit A,
4 Post Falls, Idaho 83854 and is married to Emma Passinetti. At all times relevant
5 herein, Plaintiff Cory Passinetti resided at 4920 S. Craig Rd., Medical Lake,
6 Washington 99022 and 4708 S. Craig Rd., Medical Lake, Washington 99022.
7 These properties receive water from a private well. PFC's have entered the
8 property, including but not limited to through the accumulation of PFC's in the
9 pipes, faucets, showerheads, and appliances, as well as through watering the
10 lawn.
11

12 3.104 Plaintiff Cory Passinetti has been exposed to elevated levels of
13 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he
14 is at an increased risk of developing high blood pressure, and of developing
15 several health conditions, including but not limited to effects on the liver and
16 immune system, high cholesterol levels, changes in thyroid hormone, testicular
17 disease, and kidney cancer.
18

19 3.105 Plaintiff Emma Passinetti and A.P., her minor daughter, are residents
20 of Medical Lake, Washington, who currently reside at 4708 S. Craig Rd.,
21 Medical Lake, Washington 99022. At all times relevant herein, they have lived at
22

1 4708 S. Craig Rd., Medical Lake, Washington 99022. The property receives
2 water from a private well. PFC's have entered the property, including but not
3 limited to through the accumulation of PFC's in the pipes, faucets, showerheads,
4 and appliances, as well as through watering the lawn.

5 3.106 Plaintiff Emma Passinetti and A.P. have been exposed to elevated
6 levels of PFC's. As a result of their exposure to PFC's in the contaminated water
7 supply, they are at an increased risk of high cholesterol, high blood pressure,
8 pregnancy problems, miscarriages, and developing several health conditions,
9 including but not limited to effects on the liver and immune system, high
10 cholesterol levels, changes in thyroid hormone, and kidney cancer.

12 3.107 Plaintiff Janae Passinetti, and her minor children, E.P., J.P., K.P.,
13 M.P., and T.P., currently reside at 736 E. Joshua, Medical Lake, Washington
14 99022 and previously resided at 4708 S. Craig Rd., Medical Lake, Washington
15 99022. These properties receive water from a private well. PFC's have entered
16 the property, including but not limited to through the accumulation of PFC's in
17 the pipes, faucets, showerheads, and appliances, as well as through watering the
18 lawn.
19

20 3.108 Plaintiff Janae Passinetti, and her minor children, E.P., J.P., K.P.,
21 M.P., and T.P., have been exposed to elevated levels of PFC's. As a result of
22

1 their exposure to PFC's in the contaminated water supply, they are at an
2 increased risk of high cholesterol, high blood pressure, and developing several
3 health conditions, including but not limited to effects on the liver and immune
4 system, high cholesterol levels, changes in thyroid hormone, and kidney cancer.
5 Ms. Passinetti's sons, E.P., J.P., and T.P., are at an increased risk of developing
6 testicular disease. Janae Passinetti and her daughters, M.P. and K.P., are at an
7 increased risk of pregnancy problems, including miscarriages.
8

9 3.109 Plaintiff Jason Passinetti is a resident of Medical Lake, Washington,
10 who currently resides at 736 East Joshua Drive, Medical Lake, Washington
11 99022. Plaintiff Jason Passinetti has lived in other residences in Spokane County:
12 4920 South Craig Road (1986-1989); 4708 South Craig Road (1989-2004); 8821
13 North Dale Street (2004-2005); 12202 East Maxwell Avenue (2005-2006); 1515
14 South Pulpwood Road (2006); 3104 East Jackson Avenue (2006-2008); 808 East
15 Terrace Avenue (2008-2009); 2820 East Cherry Street (2009-2010); and 6811
16 South Fanazick Drive (2010-2016).
17

18 3.110 Plaintiff Jason Passinetti owns the property at 736 East Joshua
19 Drive, and that property receives water from a private well. PFC's have entered
20 the property, including but not limited to through the accumulation of PFC's in
21 the pipes, faucets, showerheads, and appliances, as well as through watering the
22

1 lawn.

2 3.111 As a result of exposure to PFC's, Plaintiff Jason Passinetti's
3 property has declined in value.

4 3.112 Plaintiff Jason Passinetti has been exposed to elevated levels of
5 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he
6 has been diagnosed with high blood pressure, and is at an increased risk of
7 developing several health conditions, including but not limited to effects on the
8 liver and immune system, high cholesterol levels, changes in thyroid hormone,
9 testicular disease, and kidney cancer.
10

11 3.113 Plaintiff Donna Peterson is a resident of Medical Lake, Washington,
12 who currently resides at 329 S. Brower Street, Medical Lake, Washington 99022.
13 At all times relevant herein, she lived at 14315 West Thorpe Road, another
14 address in Medical Lake, Washington 99022. The West Thorpe Road property
15 receives water from a private well. PFC's have entered the property, including
16 but not limited to through the accumulation of PFC's in the pipes, faucets,
17 showerheads, and appliances, as well as through watering the lawn.
18

19 3.114 Plaintiff Donna Peterson has been exposed to elevated levels of
20 PFC's. As a result of her exposure to PFC's in the contaminated water supply,
21 Donna Peterson has been diagnosed with pregnancy problems, miscarriages, and
22

1 is at an increased risk of developing several health conditions, including but not
2 limited to effects on the liver and immune system, high cholesterol levels,
3 changes in thyroid hormone, and kidney cancer.

4 3.115 Plaintiffs Delbert and Sarra Reiber, and their minor children, A.R.
5 and C.R., are residents of Medical Lake, Washington, who currently reside at 631
6 S. Evergreen, Medical Lake, WA 99022. Their current address receives water
7 from the City of Airway Heights. Their prior address was 16910 State Highway
8 902, Medical Lake 99022. In 2014, the 16910 State Highway 902 address was
9 changed to 7205 S. Summer Lane, Medical Lake WA 99002. They lived at the
10 Summer Lane address from 1997 to 2015. The Summer Lane address received
11 water from a private well. PFC's have entered the property, including but not
12 limited to through the accumulation of PFC's in the pipes, faucets, showerheads,
13 and appliances, as well as through watering the lawn.
14

15 3.116 Plaintiff Delbert Reiber has been exposed to elevated levels of
16 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he
17 has been diagnosed with an auto-immune disease and has experienced
18 bioaccumulation of PFOS and PFOA in his blood which carries a heightened risk
19 of developing several health conditions, including but not limited to effects on
20 the liver and immune system, high cholesterol levels, changes in thyroid
21
22

1 hormone, hypertension, ulcerative colitis, fertility issues, testicular cancer, and
2 kidney cancer.

3 3.117 Plaintiff Delbert Reiber also owns twenty-eight acres at 6505 S.
4 Bartholomew Rd, Medical Lake, WA 99022. That land has depreciated in value
5 due to the PFC contamination.

6 3.118 Plaintiff Sarra Reiber has been exposed to elevated levels of PFC's.
7 As a result of her exposure to PFC's in the contaminated water supply, she has
8 been diagnosed with three miscarriages and gastric issues and has experienced
9 bioaccumulation of PFOS and PFOA in his blood which carries a heightened risk
10 of developing several health conditions, including but not limited to effects on
11 the liver and immune system, high cholesterol levels, changes in thyroid
12 hormone, hypertension, ulcerative colitis, fertility issues, testicular cancer, and
13 kidney cancer.
14

15 3.119 The Reiber's minor child, A.R., has been exposed to elevated levels
16 of PFC's. As a result of her exposure to PFC's in the contaminated water supply,
17 she has been diagnosed with an auto-immune disease and has experienced
18 bioaccumulation of PFOS and PFOA in her blood which carries a heightened risk
19 of developing several health conditions, including but not limited to effects on
20 the liver and immune system, high cholesterol levels, changes in thyroid
21
22

1 hormone, hypertension, ulcerative colitis, fertility issues, testicular cancer, and
2 kidney cancer.

3 3.120 The Reiber's other minor child, C.R., has been exposed to elevated
4 levels of PFC's. As a result of her exposure to PFC's in the contaminated water
5 supply, she has been diagnosed with an auto-immune disease and has
6 experienced bioaccumulation of PFOS and PFOA in his blood which carries a
7 heightened risk of developing several health conditions, including but not limited
8 to effects on the liver and immune system, high cholesterol levels, changes in
9 thyroid hormone, hypertension, ulcerative colitis, fertility issues, testicular
10 cancer, and kidney cancer.
11

12 3.121 Plaintiff Marshall Reiber lived at the home of his parents, Sarra and
13 Delbert Reiber, at 7205 S. Summer Lane, Medical Lake WA 99022 from 1997 to
14 2015. The Summer Lane address received water from a private well. PFC's have
15 entered the property, including but not limited to through the accumulation of
16 PFC's in the pipes, faucets, showerheads, and appliances, as well as through
17 watering the lawn.
18

19 3.122 Plaintiff Marshall Reiber has been exposed to elevated levels of
20 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he
21 has experienced bioaccumulation of PFOS and PFOA in his blood which carries
22

1 a heightened risk of developing several health conditions, including but not
2 limited to effects on the liver and immune system, high cholesterol levels,
3 changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues,
4 testicular cancer, and kidney cancer.

5 3.123 Plaintiffs Garret Rupert, Heather Rupert, and their minor children,
6 C.R., K.R. and K.R., are former residents of Medical Lake, Washington, who
7 currently reside at 10913 West 6th Avenue E110, Airway Heights, Washington
8 99001. At all times relevant herein, they lived in Spokane County at 4708 South
9 Craig Road, Medical Lake, Washington 99022.
10

11 3.124 Ms. Rupert owns the property on South Craig Road, which receives
12 water from a private well. PFC's have entered the property, including but not
13 limited to through the accumulation of PFC's in the pipes, faucets, showerheads,
14 and appliances, as well as through watering the lawn.
15

16 3.125 As a result of exposure to PFC's, Plaintiff Heather Rupert's property
17 has declined in value.

18 3.126 Plaintiffs Garret Rupert, Heather Rupert, and their minor children,
19 C.R., K.R., and K.R., have been exposed to elevated levels of PFC's.

20 3.127 As a result of his exposure to PFC's in the contaminated water
21 supply, Garret Rupert has been diagnosed with high blood pressure, and is at an
22

1 increased risk of developing several health conditions, including but not limited
2 to effects on the liver and immune system, high cholesterol levels, changes in
3 thyroid hormone, testicular disease and kidney cancer.

4 3.128 As a result of her exposure to PFC's in the contaminated water
5 supply, Heather Rupert is at an increased risk of pregnancy problems,
6 miscarriages, and reproductive problems, liver disease, thyroid disease, high
7 cholesterol, high blood pressure, ulcerative colitis, and several health conditions,
8 including but not limited to effects on the immune system, changes in thyroid
9 hormone, and kidney cancer.
10

11 3.129 As a result of his exposure to PFC's in the contaminated water
12 supply, C.R. is at an increased risk of developing high blood pressure, and
13 several health conditions, including but not limited to effects on the liver and
14 immune system, high cholesterol levels, changes in thyroid hormone, testicular
15 disease and kidney cancer.
16

17 3.130 As a result of her exposure to PFC's in the contaminated water
18 supply, K.R. is at an increased risk of pregnancy problems, miscarriages, and
19 reproductive problems, liver disease, thyroid disease, high cholesterol, high blood
20 pressure, ulcerative colitis, and several health conditions, including but not
21 limited to effects on the immune system, changes in thyroid hormone, and kidney
22

1 cancer.

2 3.131 As a result of her exposure to PFC's in the contaminated water
3 supply, K.R. is at an increased risk of pregnancy problems, miscarriages, and
4 reproductive problems, liver disease, thyroid disease, high cholesterol, high blood
5 pressure, ulcerative colitis, and several health conditions, including but not
6 limited to effects on the immune system, changes in thyroid hormone, and kidney
7 cancer.

8
9 3.132 Plaintiff Lewis Schwinn is a resident of Airway Heights,
10 Washington, who currently resides at 13309 W. 12th Ave., Airway Heights, WA
11 99001. His prior address was in Airway Heights, WA 99001. He has lived in
12 Airway Heights for the last fifteen years. The property receives water from a
13 private well. PFC's have entered the property, including but not limited to
14 through the accumulation of PFC's in the pipes, faucets, showerheads, and
15 appliances, as well as through watering the lawn.

16
17 3.133 As a result of exposure to PFC's, Plaintiff Schwinn's property has
18 declined in value.

19 3.134 Plaintiff Lewis Schwinn has been exposed to elevated levels of
20 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he
21 has been diagnosed with kidney stones and stomach problems and has
22

1 experienced bioaccumulation of PFOS and PFOA in his blood which carries a
2 heightened risk of developing several health conditions, including but not limited
3 to effects on the liver and immune system, high cholesterol levels, changes in
4 thyroid hormone, hypertension, ulcerative colitis, fertility issues, testicular
5 cancer, and kidney cancer.

6 3.135 Plaintiffs Bradly and Jan Shardell Shrum are former residents of
7 Medical Lake, Washington, who currently reside at 12711 W. Medical Lake Rd.
8 Spokane, WA 99224. They own a rental property at 2024 S. Hayden Rd. Airway
9 Heights. The Shrum family owns and operates a farming business using the 2024
10 S. Hayden property (parcels 15251.0117 and 15251.0114). They irrigate with
11 water from a private well. PFC's have entered the property, including but not
12 limited to through the accumulation of PFC's in the pipes, faucets, showerheads,
13 and appliances, as well as through watering the lawn.
14

15 3.136 Plaintiff Bradly Shrum has been exposed to elevated levels of
16 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he
17 has experienced bioaccumulation of PFOS and PFOA in his blood which carries
18 a heightened risk of developing several health conditions, including but not
19 limited to effects on the liver and immune system, high cholesterol levels,
20 changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues,
21
22

1 testicular cancer, and kidney cancer.

2 3.137 Plaintiff Jan Shardell Shrum has been exposed to elevated levels of
3 PFC's. As a result of her exposure to PFC's in the contaminated water supply,
4 she has experienced bioaccumulation of PFOS and PFOA in her blood which
5 carries a heightened risk of developing several health conditions, including but
6 not limited to effects on the liver and immune system, high cholesterol levels,
7 changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues, and
8 kidney cancer.
9

10 3.138 The Shrums are no longer able to farm their land because their
11 insurance carrier will not insure their crops because PFC's are present in the soil
12 and irrigation water. The EPA has told them that the PFC's will "uptake" into the
13 crops. Their seed vendor and crop distributors will not buy their crops if they
14 contain PFC's. Their land has depreciated in value and they cannot generate
15 revenue because of the PFC contamination.
16

17 3.139 Plaintiffs Cory and Julie Shrum, and their minor child, W.S., are
18 residents of Airway Heights, Washington, who currently reside at 2024 S.
19 Hayden Rd. Cory has lived at the address since 2007. Julie has lived at the
20 address since 2009. PFC's have entered the property, including but not limited to
21 through the accumulation of PFC's in the pipes, faucets, showerheads, and
22

appliances, as well as through watering the lawn.

3.140 Plaintiff Cory Shrum has been exposed to elevated levels of PFC's. As a result of his exposure to PFC's in the contaminated water supply, he has experienced bioaccumulation of PFOS and PFOA in his blood which carries a heightened risk of developing several health conditions, including but not limited to effects on the liver and immune system, high cholesterol levels, changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues, testicular cancer, and kidney cancer.

3.141 Plaintiff Julie Shrum has been exposed to elevated levels of PFC's. As a result of her exposure to PFC's in the contaminated water supply, she has experienced bioaccumulation of PFOS and PFOA in her blood which carries a heightened risk of developing several health conditions, including but not limited to effects on the liver and immune system, high cholesterol levels, changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues, and kidney cancer.

3.142 The Shrum's minor child, W.S., has been exposed to elevated levels of PFC's. As a result of his exposure to PFC's in the contaminated water supply, he has experienced bioaccumulation of PFOS and PFOA in his blood which carries a heightened risk of developing several health conditions, including but

1 not limited to effects on the liver and immune system, high cholesterol levels,
2 changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues,
3 testicular cancer, and kidney cancer.

4 3.143 Plaintiffs Jaley Simmons, Chris Taylor, and their minor children,
5 K.T. and K.T., are residents of Medical Lake, Washington, who currently reside
6 at 1110 San Salvador Street, Medical Lake, Washington 99022. At all times
7 relevant herein, Plaintiff Jaley Simmons lived at 14315 West Thorpe Road,
8 Medical Lake, Washington 99022. The property received water from a private
9 well. PFC's have entered the property, including but not limited to through the
10 accumulation of PFC's in the pipes, faucets, showerheads, and appliances, as
11 well as through watering the lawn.
12

13 3.144 Plaintiff Jaley Simmons has been exposed to elevated levels of
14 PFC's. As a result of her exposure to PFC's in the contaminated water supply,
15 Jaley Simmons has been diagnosed with pregnancy problems, miscarriages, and
16 reproductive problems, liver disease, thyroid disease, high cholesterol, high blood
17 pressure, ulcerative colitis, and is at an increased risk of developing several
18 health conditions, including but not limited to effects on the immune system,
19 changes in thyroid hormone, and kidney cancer.
20

21 3.145 Plaintiff Chris Taylor, as a result of his exposure to PFC's in the
22

1 contaminated water supply is at an increased risk of developing high blood
2 pressure, and several health conditions, including but not limited to effects on the
3 liver and immune system, high cholesterol levels, changes in thyroid hormone,
4 testicular disease and kidney cancer.

5 3.146 As a result of his exposure to PFC's in the contaminated water
6 supply, Ms. Simmons and Mr. Taylor's minor child, K.T., is at an increased risk
7 of developing high blood pressure, and several health conditions, including but
8 not limited to effects on the liver and immune system, high cholesterol levels,
9 changes in thyroid hormone, testicular disease and kidney cancer.
10

11 3.147 As a result of her exposure to PFC's in the contaminated water
12 supply, Ms. Simmons and Mr. Taylors other minor child, K.T., is at an increased
13 risk of pregnancy problems, miscarriages, and reproductive problems, liver
14 disease, thyroid disease, high cholesterol, high blood pressure, ulcerative colitis,
15 and several health conditions, including but not limited to effects on the immune
16 system, changes in thyroid hormone, and kidney cancer.
17

18 3.148 Plaintiff Pamela Williams is a resident of Airway Heights, WA who
19 currently resides at 1702 S. Mintle St. Space #21 Airway Heights, WA 99001.
20 She has lived at that address for twelve years. The property receives water from
21 the City of Airway Heights. Her prior address was at 1649 S. Campbell St. #8b
22

1 Airway Heights, WA 99001. She was at her prior address for eight years. Her
2 prior address also received water from Airway Heights. PFC's have entered the
3 property, including but not limited to through the accumulation of PFC's in the
4 pipes, faucets, showerheads, and appliances, as well as through watering the
5 lawn.

6 3.149 Plaintiff Pamela Williams has been exposed to elevated levels of
7 PFC's. As a result of her exposure to PFC's in the contaminated water supply,
8 she has experienced bioaccumulation of PFOS and PFOA in her blood which
9 carries a heightened risk of developing several health conditions, including but
10 not limited to effects on the liver and immune system, high cholesterol levels,
11 changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues, and
12 kidney cancer.
13

14 3.150 Plaintiff Pamela Williams' son died at age twenty-nine. He lived at
15 the same address as his mother and was also exposed to PFC's in the water
16 supply. He died from myeloid leukemia. The family has no history of this type of
17 cancer.
18

19 3.151 Plaintiff Anthony Abel is a resident of Medical Lake, Washington,
20 who currently resides at 717 S. Bartholomew Street, Medical Lake WA 99022.
21 Mr. Abel has owned the subject property since June, 2014. The Bartholomew
22

1 Street property is on a private well which has been found to contain levels of
2 PFOS and PFOA well in excess of safe levels. PFC's have entered the property,
3 including but not limited to through the accumulation of PFC's in the pipes,
4 faucets, showerheads, and appliances, as well as through watering the lawn. Mr.
5 Abel's property assessment has been reduced by twenty-five percent by the
6 Spokane County Assessor due to the contamination of the well.

7
8 3.152 As a result of exposure to PFC's, Plaintiff Anthony Abel's property
9 has declined in value.

10 3.153 Plaintiff Samantha Barcus is a resident of Medical Lake,
11 Washington, who currently resides at 14424 W. Heavenly Horse Lane, Airway
12 Heights, WA 99001. She previously lived at 909 S. Fairchild St., Medical Lake,
13 WA 99022 from 1999 - 2016. The Fairchild Street property is on a private well
14 which has been found to contain levels of PFOS and PFOA well in excess of safe
15 levels. The Heavenly Horse Lane property is served by Airway Heights
16 municipal water, which has likewise been found to contain levels of PFOS and
17 PFOA well in excess of safe levels.

18
19 3.154 Plaintiff Samantha Barcus has been exposed to elevated levels of
20 PFC's. As a result of her exposure to PFC's in the contaminated water supply,
21 she has experienced bioaccumulation of PFOS and PFOA in her blood which
22

1 carries a heightened risk of developing several health conditions, including but
2 not limited to effects on the liver and immune system, high cholesterol levels,
3 changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues, and
4 kidney cancer. Ms. Barcus suffers from high cholesterol and has so suffered since
5 early childhood.

6 3.155 Plaintiff Michael Buyonavich is a resident of Airway Heights,
7 Washington, who has resided at 1913 S. Mintle, Airway Heights, WA 99001
8 since 2001. The address is served by Airway Heights municipal water, which was
9 found to contain levels of PFOS and PFOA well in excess of safe levels.
10

11 3.156 Plaintiff Michael Buyonavich has been exposed to elevated levels of
12 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he
13 has experienced bioaccumulation of PFOS and PFOA in his blood which carries
14 a heightened risk of developing several health conditions, including but not
15 limited to effects on the liver and immune system, high cholesterol levels,
16 changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues, and
17 kidney cancer. Mr. Buyonavich suffers from severe gastrointestinal issues, along
18 with enlargement of the liver and spleen.
19

20 3.157 Plaintiff Jackie Colburn is a resident of Medical Lake, Washington,
21 who currently resides at 909 S. Fairchild St., Medical Lake, WA 99022, where
22

1 she has lived since purchasing that property in 1999. The Fairchild Street
2 property is on a private well which has been found to contain levels of PFOS and
3 PFOA well in excess of safe levels. PFC's have entered the property, including
4 but not limited to through the accumulation of PFC's in the pipes, faucets,
5 showerheads, and appliances, as well as through watering the lawn. Ms.
6 Colburn's well previously provided 13.2 gallons per minute of water flow. She is
7 advised that after the filtration system is installed by the Air Force, her water
8 flow will be reduced to nine gallons per minute and she will be restricted in the
9 amount of water sources she can use at once. The filtration system proposed by
10 the Air Force does not address the external water supply they use to water their
11 garden, including vegetables for human consumption.
12

13 3.158 As a result of exposure to PFC's, Plaintiff Jackie Colburn's property
14 has declined in value.
15

16 3.159 Plaintiffs Joel Erwin and Robin Gipson are residents of Airway
17 Heights, Washington, who currently reside at 1913 S. Lawson #14, Airway
18 Heights, WA 99001. They have lived at this address since 2009. Joel Erwin and
19 Robin Gipson previously lived at an address on West 20th Avenue, Airway
20 Heights, WA, 99001 from 2005-2009. Both the Lawson Street and West 20th
21 Avenue properties are served by Airway Heights municipal water, which was
22

1 found to contain levels of PFOS and PFOA well in excess of safe levels.

2 3.160 Plaintiff Joel Erwin has been exposed to elevated levels of PFC's.
3 As a result of his exposure to PFC's in the contaminated water supply, he has
4 experienced bioaccumulation of PFOS and PFOA in his blood which carries a
5 heightened risk of developing several health conditions, including but not limited
6 to effects on the liver and immune system, high cholesterol levels, changes in
7 thyroid hormone, hypertension, ulcerative colitis, fertility issues, and kidney
8 cancer. Mr. Erwin suffers from immune system difficulties including a low
9 platelet count.
10

11 3.161 Plaintiff Robin Gipson has been exposed to elevated levels of PFC's.
12 As a result of her exposure to PFC's in the contaminated water supply, she has
13 experienced bioaccumulation of PFOS and PFOA in her blood which carries a
14 heightened risk of developing several health conditions, including but not limited
15 to effects on the liver and immune system, high cholesterol levels, changes in
16 thyroid hormone, hypertension, ulcerative colitis, fertility issues, and kidney
17 cancer. Ms. Gipson is under doctor's care for thyroid issues.
18

19 3.162 Plaintiffs Jennifer Foland and her husband, Plaintiff Michael
20 Johnson, are residents of Medical Lake, Washington, who currently reside at
21 6118 Craig Rd., Medical Lake, Washington 99022. From 2010 to 2015 they
22

1 resided at 910 Summit Drive, Cheney, Washington, 99004. They own the
2 property, which receives water from a private well. PFC's have entered the
3 property, including but not limited to through the accumulation of PFC's in the
4 pipes, faucets, showerheads, and appliances, as well as through watering the
5 lawn.

6 3.163 Plaintiff Jennifer Foland has been exposed to elevated levels of
7 PFC's. As a result of her exposure to PFC's in the contaminated water supply,
8 she has experienced bioaccumulation of PFOS and PFOA in her blood which
9 carries a heightened risk of developing several health conditions, including but
10 not limited to effects on the liver and immune system, high cholesterol levels,
11 changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues, and
12 kidney cancer.
13

14 3.164 As a result of exposure to PFC's, Plaintiffs Jennifer Foland and
15 Michael Johnson's property has declined in value.
16

17 3.165 Plaintiffs Earl and Janet Forsman and the Earl N. and Janet L.
18 Forsman Trust are residents of Spokane, Washington, who currently reside at
19 7413 W. Deno Rd, Spokane, 99224. The Forsmans have owned the subject
20 property since 1972 and have resided upon it since 1974. They conveyed the
21 property to the Earl N. and Janet L. Forsman Trust in 1999, and the Trust owns it
22

1 at this time. The Deno Road property consists of two ten-acre parcels, each with
2 its own private well. One of the wells has been found to contain levels of PFOS
3 and PFOA well in excess of safe levels. PFC's have entered the property,
4 including but not limited to through the accumulation of PFC's in the pipes,
5 faucets, showerheads, and appliances, as well as through watering the lawn. The
6 contaminated well renders the ten-acre parcel containing it unmarketable. The
7 Forsmans used the contaminated well for decades to water their large fruit and
8 vegetable garden on the parcel containing their home. They have abandoned this
9 garden due to PFOS/PFOA contamination of the soil.
10

11 3.166 As a result of exposure to PFC's, Earl N. and Janet L. Forsman
12 Trust's property has declined in value.

13 3.167 Plaintiff Earl Forsman has been exposed to elevated levels of PFC's.
14 As a result of his exposure to PFC's in the contaminated water supply, he has
15 experienced bioaccumulation of PFOS and PFOA in his blood which carries a
16 heightened risk of developing several health conditions, including but not limited
17 to effects on the liver and immune system, high cholesterol levels, changes in
18 thyroid hormone, hypertension, ulcerative colitis, fertility issues, and kidney
19 cancer. Mr. Forsman suffers from high cholesterol and mantle cell lymphoma
20 cancer with origins in the immune system.
21
22

1 3.168 Plaintiff Janet Forsman has been exposed to elevated levels of
2 PFC's. As a result of her exposure to PFC's in the contaminated water supply,
3 she has experienced bioaccumulation of PFOS and PFOA in her blood which
4 carries a heightened risk of developing several health conditions, including but
5 not limited to effects on the liver and immune system, high cholesterol levels,
6 changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues, and
7 kidney cancer. Ms. Forsman suffers from high cholesterol.
8

9 3.169 Plaintiffs Anthony and Helen Gallegos are residents of Medical
10 Lake, Washington, who currently reside at 720 S. Bartholomew Street, Medical
11 Lake, WA 99022. The Gallegoses have owned and resided upon the subject
12 property since 2002. The Bartholomew Street property is on a private well which
13 has been found to contain levels of PFOS and PFOA well in excess of safe levels.
14 PFC's have entered the property, including but not limited to through the
15 accumulation of PFC's in the pipes, faucets, showerheads, and appliances, as
16 well as through watering the lawn.
17

18 3.170 As a result of exposure to PFC's, Plaintiffs Helen and Anthony
19 Gallegos's property has declined in value.

20 3.171 Plaintiff Anthony Gallegos has been exposed to elevated levels of
21 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he
22

1 has experienced bioaccumulation of PFOS and PFOA in his blood and is at
2 heightened risk of developing several health conditions, including but not limited
3 to effects on the liver and immune system, high cholesterol levels, changes in
4 thyroid hormone, hypertension, ulcerative colitis, fertility issues, and kidney
5 cancer. Mr. Johnson suffers from high cholesterol.

6 3.172 Plaintiff Debra Gehret is a resident of Medical Lake, Washington,
7 who currently reside at 614 S. Bartholomew Street, Medical Lake, WA 99022.
8 Ms. Gehret has owned and resided upon the subject property since 2005. The
9 Bartholomew Street property is on a private well which has been found to contain
10 levels of PFOS and PFOA well in excess of safe levels. PFC's have entered the
11 property, including but not limited to through the accumulation of PFC's in the
12 pipes, faucets, showerheads, and appliances, as well as through watering the
13 lawn.
14

15 3.173 As a result of exposure to PFC's, Plaintiff Debra Gehret's property
16 has declined in value.
17

18 3.174 Plaintiff Amy Havens is a resident and former business owner of the
19 Airway Heights area who has owned her residence at 525 W. Kynan Lane,
20 Spokane, WA 99224 since 2012. Prior to that, Ms. Havens, owned and resided at
21 8225 W. Trails Road, Spokane, WA 99224. Both properties are served by private
22

1 well. At this time, neither the Kynan Lane nor the Trails Road property wells
2 have been tested to determine if they contain levels of PFOS and PFOA well in
3 excess of safe levels.

4 3.175 Plaintiff Amy Havens operated a daycare, Child Haven Learning
5 Center, at 1424 S. Campbell, Airway Heights, WA 99001 from 2002 until
6 February of 2018. Ms. Havens has owned the Campbell Street property since
7 2002 and owns it still. The Campbell Street property is served by Airway Heights
8 municipal water, which was found to contain levels of PFOS and PFOA well in
9 excess of safe levels. In June 2017, Ms. Havens was advised by the Washington
10 State Department of Licensing to suspend her daycare operation due to the
11 contamination of the water supply. She closed the daycare for three days. Ms.
12 Havens consumed the contaminated water at this address for seventeen years,
13 including during her pregnancy.
14

15 3.176 J.H. is the minor child of Plaintiff Amy Havens. J.H. has been
16 exposed to elevated levels of PFC's in utero, as his mother worked long hours at
17 her daycare during her pregnancy, as a full-time client of his mother's daycare,
18 and possibly at his mother's home as well. As a result of his exposure to PFC's in
19 the contaminated water supply, he has experienced bioaccumulation of PFOS and
20 PFOA in his blood and is at heightened risk of developing several health
21
22

1 conditions, including but not limited to effects on the liver and immune system,
2 high cholesterol levels, changes in thyroid hormone, hypertension, ulcerative
3 colitis, fertility issues, and kidney cancer. J.H. suffers from Neutropenia, an
4 immune system disorder which required him to live for years under quarantine-
5 like conditions. He continues to require daily medication and may eventually
6 require a bone marrow transplant.

7
8 3.177 Plaintiffs Douglas and Donna Johnson are residents of Medical
9 Lake, Washington, who currently reside at 720 S. Fairchild Street, Medical Lake,
10 WA 99022. The Johnsons have owned and resided upon the subject property
11 since 2007. The Fairchild Street property is on a private well which has been
12 found to contain levels of PFOS and PFOA well in excess of safe levels. PFC's
13 have entered the property, including but not limited to through the accumulation
14 of PFC's in the pipes, faucets, showerheads, and appliances, as well as through
15 watering the lawn.

16
17 3.178 Plaintiff Douglas Johnson has been exposed to elevated levels of
18 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he
19 has experienced bioaccumulation of PFOS and PFOA in his blood and is at
20 heightened risk of developing several health conditions, including but not limited
21 to effects on the liver and immune system, high cholesterol levels, changes in
22

1 thyroid hormone, hypertension, ulcerative colitis, fertility issues, and kidney
2 cancer. Mr. Johnson suffers from high cholesterol.

3 3.179 Plaintiff Donna Johnson has been exposed to elevated levels of
4 PFC's. As a result of her exposure to PFC's in the contaminated water supply,
5 she has experienced bioaccumulation of PFOS and PFOA in her blood which
6 carries a heightened risk of developing several health conditions, including but
7 not limited to effects on the liver and immune system, high cholesterol levels,
8 changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues, and
9 kidney cancer. Ms. Johnson suffers from high cholesterol.
10

11 3.180 As a result of exposure to PFC's, Plaintiffs Douglas and Donna
12 Johnson's property has declined in value.

13 3.181 Plaintiff Keirstin Jones is a resident of Airway Heights, Washington,
14 who has resided at 1701 S. Lawson Street, Airway Heights, WA 99001 since
15 2012. The address is served by Airway Heights municipal water, which was
16 found to contain levels of PFOS and PFOA well in excess of safe levels.
17

18 3.182 Plaintiff Keirstin Jones has been exposed to elevated levels of
19 PFC's. As a result of her exposure to PFC's in the contaminated water supply,
20 she has experienced bioaccumulation of PFOS and PFOA in her blood which
21 carries a heightened risk of developing several health conditions, including but
22

1 not limited to effects on the liver and immune system, high cholesterol levels,
2 changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues, and
3 kidney cancer. In 2012, Ms. Jones suffered from pregnancy-induced hypertension
4 and other complications with her pregnancy.

5 3.183 Plaintiff Tina Jones is a resident of Airway Heights, Washington,
6 who has resided at 1701 S. Lawson Street, Airway Heights, WA 99001 since
7 2012. She lived in the now-defunct Fairview Mobile Home Park from 1982 –
8 1989. The park was situated on Highway 2 in Airway Heights. Both addresses
9 were served by Airway Heights municipal water, which was found to contain
10 levels of PFOS and PFOA well in excess of safe levels.

12 3.184 Plaintiff Tina Jones has been exposed to elevated levels of PFC's.
13 As a result of her exposure to PFC's in the contaminated water supply, she has
14 experienced bioaccumulation of PFOS and PFOA in her blood which carries a
15 heightened risk of developing several health conditions, including but not limited
16 to effects on the liver and immune system, high cholesterol levels, changes in
17 thyroid hormone, hypertension, ulcerative colitis, fertility issues, and kidney
18 cancer. Ms. Jones has suffered from elevated cholesterol since her teen years.

20 3.185 Plaintiff Kenneth Keller is a resident of Airway Heights,
21 Washington, who has resided at 12411 W 1st Ave., Airway Heights, WA 99001
22

1 since 2013. This address was served by Airway Heights municipal water, which
2 was found to contain levels of PFOS and PFOA well in excess of safe levels.

3 3.186 Plaintiff Kenneth Keller has been exposed to elevated levels of
4 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he
5 has experienced bioaccumulation of PFOS and PFOA in his blood which carries
6 a heightened risk of developing several health conditions, including but not
7 limited to effects on the liver and immune system, high cholesterol levels,
8 changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues, and
9 kidney cancer. Mr. Keller suffers from kidney cancer which has required removal
10 of one of his kidneys.
11

12 3.187 Plaintiff Jill Link is a resident of Medical Lake, Washington, who
13 currently resides at 1010 S. Bartholomew Street, Medical Lake WA 99022. Ms.
14 Link has owned the subject property since 1994. The Bartholomew Street
15 property is on a private well which has been found to contain levels of PFOS and
16 PFOA well in excess of safe levels. PFC's have entered the property, including
17 but not limited to through the accumulation of PFC's in the pipes, faucets,
18 showerheads, and appliances, as well as through watering the lawn.
19

20 3.188 As a result of exposure to PFC's, Plaintiff Jill Link's property has
21 declined in value.
22

1 3.189 Plaintiffs Chris and Sharon McCulloch are residents of Medical
2 Lake, Washington, who currently reside at 914 S. Bartholomew Street, Medical
3 Lake WA 99022. The McCullochs have owned the subject property since July
4 2007. The Bartholomew Street property is on a private well which has been
5 found to contain levels of PFOS and PFOA well in excess of safe levels. PFC's
6 have entered the property, including but not limited to through the accumulation
7 of PFC's in the pipes, faucets, showerheads, and appliances, as well as through
8 watering the lawn.
9

10 3.190 As a result of exposure to PFC's, Plaintiffs Chris and Sharon
11 McCulloch's property has declined in value.

12 3.191 Plaintiff Sharon McCulloch has been exposed to elevated levels of
13 PFC's since 2007. As a result of her exposure to PFC's in the contaminated water
14 supply, she has experienced bioaccumulation of PFOS and PFOA in her blood
15 which carries a heightened risk of developing several health conditions, including
16 but not limited to effects on the liver and immune system, high cholesterol levels,
17 changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues, and
18 kidney cancer. Plaintiff Sharon McCulloch has been diagnosed with thyroid
19 disease and Lichen Plantus, an auto-immune disorder.
20

21 3.192 Plaintiff Todd McInnis is a resident of Spokane, Washington, who
22

1 currently resides at 2220 N. Sawbuck Lane, Spokane, WA 99224. Plaintiff
2 McInnis has owned and resided upon the subject property since 1998. The
3 Sawbuck Lane property is on a private well which has been found to contain
4 levels of PFOS and PFOA well in excess of safe levels. PFC's have entered the
5 property, including but not limited to through the accumulation of PFC's in the
6 pipes, faucets, showerheads, and appliances, as well as through watering the
7 lawn.

8
9 3.193 As a result of exposure to PFC's, Plaintiff Todd McInnis' property
10 has declined in value.

11 3.194 Plaintiffs Matthew and Heather Petro are residents of Medical Lake,
12 Washington, who currently reside at 819 S. Bartholomew Street, Medical Lake,
13 WA 99022. The Petros have owned and resided upon the subject property since
14 2007. The Bartholomew Street property is on a private well which has been
15 found to contain levels of PFOS and PFOA well in excess of safe levels. PFC's
16 have entered the property, including but not limited to through the accumulation
17 of PFC's in the pipes, faucets, showerheads, and appliances, as well as through
18 watering the lawn.

19
20 3.195 As a result of exposure to PFC's, Plaintiffs Matthew and Heather
21 Petro's property has declined in value.
22

1 3.196 Plaintiffs William and LuAnn Stephenson are residents of Medical
2 Lake, Washington, who currently reside at 812 S. Bartholomew Street, Medical
3 Lake, WA 99022. The Stephensons have owned and resided upon the subject
4 property since 2005. The Bartholomew Street property is on a private well which
5 has been found to contain levels of PFOS and PFOA well in excess of safe levels.
6 PFC's have entered the property, including but not limited to through the
7 accumulation of PFC's in the pipes, faucets, showerheads, and appliances, as
8 well as through watering the lawn.
9

10 3.197 The Stephensons' property assessment has been reduced by forty-
11 one percent by the Spokane County Assessor due to the contamination of their
12 well. As a result of exposure to PFC's, Plaintiffs William and LuAnn
13 Stephenson's property has declined in value.

14 3.198 Plaintiff William Urdrian is a resident of Medical Lake, Washington,
15 who currently resides at 710 S Bartholomew Street, Medical Lake, Washington
16 99022. He owns the property, which receives water from a private well. PFC's
17 have entered the property, including but not limited to through the accumulation
18 of PFC's in the pipes, faucets, showerheads, and appliances, as well as through
19 watering the lawn.
20

21 3.199 Plaintiff William Urdrian has been exposed to elevated levels of
22

1 PFC's. As a result of his exposure to PFC's in the contaminated water supply,
2 William Urdrian has been diagnosed with high blood pressure and high
3 cholesterol levels and is at an increased risk of developing several health
4 conditions, including but not limited to effects on the liver and immune system,
5 changes in thyroid hormone, ulcerative colitis, fertility issues, and kidney cancer.

6 3.200 As a result of exposure to PFC's, Plaintiff William Urdrian's
7 property has declined in value.

8 3.201 Plaintiff Francelina Walker is a resident of Airway Heights,
9 Washington, who currently resides at 12628 W. Sunset Highway, Airway
10 Heights, WA 99001. She has lived in a succession of apartments in Airway
11 Heights since 1981. All apartments where Plaintiff Walker has resided are served
12 by Airway Heights municipal water, which was found to contain levels of PFOS
13 and PFOA well in excess of safe levels.
14

15 3.202 Plaintiff Francelina Walker has been exposed to elevated levels of
16 PFC's. As a result of her exposure to PFC's in the contaminated water supply,
17 she has experienced bioaccumulation of PFOS and PFOA in her blood which
18 carries a heightened risk of developing several health conditions, including but
19 not limited to effects on the liver and immune system, high cholesterol levels,
20 changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues, and
21
22

1 kidney cancer. Ms. Walker suffers from thyroid disease: she has had her thyroid
2 and parathyroid glands removed. As a result, she must take daily calcium
3 injections for the rest of her life and suffers from lack of sensation in her
4 extremities due to her calcium deficiency.

5 **B. Defendants**

6 3.203 When reference is made in this Complaint to any act or omission of
7 any of the Defendants, it shall be deemed that the officers, directors, agents,
8 employees, or representatives of the Defendants committed or authorized such
9 act or omission, or failed to adequately supervise or properly control or direct
10 their employees while engaged in the management, direction, operation, or
11 control of the affairs of Defendants, and did so while acting within the scope of
12 their duties, employment or agency.
13

14 3.204 The term “Defendant” or “Defendants” refers to all Defendants
15 named herein jointly and severally.
16

17 3.205 Upon information and belief, each of the Defendants are responsible,
18 negligently, intentionally and/or in some actionable manner, for the events and
19 happenings referred to herein, and caused and continue to cause injuries and
20 damages legally thereby to Plaintiffs, as alleged, either through each Defendant’s
21 own conduct or through the conduct of their agents, servants or employees, or
22

1 due to the ownership, maintenance or control of the instrumentality causing them
2 injury, or in some other actionable manner.

3 3.206 Defendant 3M Company (“3M”) is, upon information and belief, a
4 Delaware corporation and does business throughout the United States, including
5 conducting business in Washington. 3M designed, manufactured and sold AFFF
6 used for training and to fight fires at numerous military bases and other locations
7 throughout the country, including Fairchild Air Force Base.

8
9 3.207 Defendant 3M is an American multinational corporation based in
10 Maplewood, Minnesota. 3M was founded in 1902 as the Minnesota Mining and
11 Manufacturing Company. With approximately \$30 billion in annual net sales, 3M
12 employs approximately 90,000 people, operates in approximately 70 countries,
13 and produces more than 55,000 products.

14 3.208 3M is engaged in substantial and not isolated activity in this state; all
15 as more fully alleged herein.

16
17 3.209 Defendant TYCO Fire Products L.P., successor in interest to the
18 Ansul Company (hereinafter “Tyco”), is a Delaware corporation having a
19 principal place of business at One Stanton Street, Marinette, Wisconsin 54143.
20 Tyco manufactured and manufactures the Ansul brand of products, including
21 Ansul brand AFFF.
22

1 3.210 Upon information and belief, Defendant Tyco is the successor in
2 interest to the corporation formerly known as the Ansul Company (“Ansul”).
3 Hereinafter, Ansul and/or Tyco as the successor in interest to Ansul will be
4 referred to collectively as “Tyco/Ansul.” At all times relevant, Tyco/Ansul
5 designed, manufactured and sold AFFF used for training and to fight fires at
6 numerous military bases and other locations throughout the country, including
7 Fairchild Air Force Base.

8
9 3.211 Defendant Buckeye Fire Equipment Company (“Buckeye”) is a
10 North Carolina corporation with its principal place of business at 110 Kings
11 Road, Mountain, North Carolina 28086.

12 3.212 At all times relevant to the present litigation, Buckeye designed,
13 manufactured and sold AFFF used for training and to fight fires at numerous
14 military bases and other locations throughout the country, including Fairchild Air
15 Force Base.

16
17 3.213 Defendant Chemguard, Inc. (“Chemguard”) is a Wisconsin
18 corporation having its principal place of business at One Stanton Street,
19 Marinette, Wisconsin 54143.

20 3.214 At all times relevant to the present litigation, Chemguard designed,
21 manufactured and sold AFFF used for training and to fight fires at numerous
22

1 military bases and other locations throughout the country, including Fairchild Air
2 Force Base.

3 3.215 National Foam, Inc. (“National Foam”) is a Delaware corporation,
4 having a principal place of business at 350 East Union Street, West Chester,
5 Pennsylvania 19382. At all times relevant, National Foam designed,
6 manufactured and sold AFFF used for training and to fight fires at numerous
7 military bases and other locations throughout the country, including Fairchild Air
8 Force Base.
9

10 3.216 At all times relevant to the present litigation, National Foam
11 designed, manufactured and sold AFFF used for training and to fight fires at
12 numerous military bases and other locations throughout the country, including
13 Fairchild Air Force Base.
14

15 **IV. FACTUAL ALLEGATIONS AS TO ALL COUNTS**
16

17 4.1 AFFF formulations are chemical mixtures used to extinguish
18 hydrocarbon fuel-based fires.

19 4.2 AFFF containing fluorinated surfactants have a better firefighting
20 capability than plain water due to their surface-tension lowering properties-
21 essentially smothering the fire and starving it of its oxygen.
22

1 4.3 However, some fluorinated surfactants have unique properties that
2 cause some of the compounds to not biodegrade and to bioaccumulate and are
3 toxic to animals and humans.

4 4.4 AFFF is a Class-B firefighting foam. It is mixed with water and used
5 to extinguish fires that are difficult to fight, particularly those that involve
6 petroleum or other flammable liquids.

7 4.5 AFFF was introduced commercially in the mid-1960s and rapidly
8 became the primary firefighting foam in the U.S. and in many parts of the world.
9

10 4.6 AFFF is synthetically formed by combining fluorine free
11 hydrocarbon foaming agents with surfactants. When mixed with water, the
12 resulting solution produces an aqueous film that spreads across the surface of
13 hydrocarbon fuel. This film provides fire extinguishment and is the source of the
14 designation aqueous film forming foam.

15 4.7 Defendants 3M, Tyco/Ansul, National Foam, Chemguard and
16 Buckeye designed, manufactured, and sold AFFF that was used at Fairchild Air
17 Force Base.
18

19 4.8 Fluorosurfactants used in 3M's AFFF were produced by a unique
20 and patented process known as electrochemical fluorination ("ECF"). The ECF
21 process resulted in a product that contains PFOS, some of which degrades into
22

1 PFOA.

2 4.9 3M was the only company to manufacture PFOS-containing AFFF.

3 4.10 In an attempt to limit liability, 3M opted to stop producing PFOS
4 2002 because it was aware of the looming chemical exposure and health effects
5 on the public.

6 4.11 Similarly, PFOA is a man-made, manufactured chemical not found
7 in nature. PFOA was used to make household and commercial products that resist
8 heat and chemical reactions, and has many uses, including repelling oil, stains,
9 grease, and water.
10

11 4.12 In 1947, 3M began producing PFOA via ECF.

12 4.13 In 1951, 3M began selling its PFOA to other chemical companies,
13 including DuPont.

14 4.14 Other companies, such as Defendants Tyco/Ansul, Buckeye,
15 National Foam, and Chemguard began manufacturing AFFF using PFOA that
16 they produced themselves or purchased from other companies. Defendants'
17 AFFF was then sold to the USAF for use at fire departments and industrial
18 facilities across the nation, including Fairchild AFB.
19

20 4.15 The chemical structure of PFOA and PFOS makes them resistant to
21 breakdown or environmental degradation. As a result, they are persistent when
22

1 released into the environment. Some PFC's, such as PFOS and PFOA, have been
2 found to bioaccumulate in humans and animals. In 2005, the U.S. Department of
3 Health and Human Services found that "human exposure to PFOA and PFOS
4 lead to the buildup of these chemicals in the body."

5 4.16 As early as the 1960s, 3M knew that PFOS and PFOA were stable,
6 persistent in the environment, and do not degrade.

7 4.17 Early studies showed that PFC's accumulated in the human body
8 and were "toxic." 3M studies from the 1970s concluded that PFC's were "even
9 more toxic" than previously believed.
10

11 4.18 Upon information and belief, by the 1970's, 3M knew that its PFC's
12 (PFOA and PFOS) were widely present in the blood of the general U.S.
13 population. Upon information and belief, 3M concealed this knowledge from the
14 public and government regulators.

15 4.19 In or about 1977, Tyco/Ansul was also aware of the environmental
16 and toxic concerns of its AFFF and undertook a study and investigation on more
17 environmentally improved AFFF.
18

19 4.20 FOA is readily absorbed after consumption or inhalation, and it
20 accumulates primarily in the blood stream, kidney, and liver.

21 4.21 Because of its toxicity, eight major PFOA manufacturers agreed in
22

1 2006 to participate in the U.S. Environmental Protection Agency’s (“EPA”)
2 PFOA Stewardship Program. The participating companies made voluntary
3 commitments to reduce product content and facility emissions of PFOA and
4 related chemicals by ninety-five percent, no later than 2010.

5 4.22 PFOA can remain in the environment, particularly in water, for
6 many years and can move through air, soil, and into groundwater.

7 4.23 Human studies show associations between increased PFOA levels
8 in blood and an increased risk of several health conditions, including high
9 cholesterol levels, changes in thyroid hormone, ulcerative colitis (autoimmune
10 disease), pre-eclampsia (a complication of pregnancy that includes high blood
11 pressure), and kidney and testicular cancer.

12 4.24 These injuries can arise months or years after exposure to PFOA.

13 4.25 PFOA’s extreme persistence in the environment, along with its
14 toxicity, mobility, and bioaccumulation potential, pose probable adverse effects
15 to human health and the environment.
16

17 4.26 An October 2017 USAF “Action Memorandum for a Time-Critical
18 Removal Action Treatment of PFOS- and PFOA- Contaminated Water In
19 Residential Wells Near Fairchild Air Force Base, Washington,” confirmed the
20 use of AFFF at Fairchild AFB and that the fire training area on the base was the
21
22

1 source of PFC contamination of the groundwater supply.⁵

2 **V. CLASS ACTION ALLEGATIONS**

3 5.1 Plaintiffs incorporate the forgoing paragraphs as though the same
4 were set forth at length herein.

5 5.2 Plaintiffs bring this action as a class action on their own behalf and
6 on behalf of all other persons similarly situated as members of the proposed
7 subclasses and seek to certify and maintain it as a class action under Rules 23(a);
8 (b)(1) and/or (b)(2); and (b)(3) of the Federal Rules of Civil Procedure, subject to
9 amendment and additional discovery as follows:
10

11 a. **Medical Monitoring Class:** Individuals who consumed water
12 from their municipal water supplier, smaller water systems, or domestic water
13 supply wells in the Areas of Investigation. (“Medical Monitoring Class”). This
14 Class is composed of the following subclasses:

15 1) All individuals within the Areas of Investigation who
16 have consumed water provided by the Airway Heights Water and Sanitation
17 District (the “Airway Heights Water Sub-Class”); and
18

19 2) All individuals within the Areas of Investigation who
20

21 ⁵ U.S.A.F Air Force Engineering Center, Fairchild Air Force Base, Washington. *Action*
22 *Memorandum for a Time-Critical Removal Action Treatment of PFOS- and PFOA-*
Contaminated Water In Residential Wells Near Fairchild Air Force Base, Washington. Oct
23 2017.

1 have consumed water from smaller water systems or domestic water supply wells
2 (the “Private Water Sub-Class”).

3 b. **Property Damage Class:** Individuals who own real property
4 in the Areas of Investigation serviced by the Airway Heights Water and
5 Sanitation District, or those who have private water wells in the investigative
6 areas (“Property Damage Class”). This class can be readily ascertained by
7 Census data, property records, and county records.
8

9 5.3 Plaintiffs are members of the proposed Sub-Classes they seek to
10 represent. This action satisfies the numerosity, commonality, typicality,
11 adequacy, predominance, and superiority requirements of those provisions.

12 5.4 Excluded from the Class are:

13 a. Defendants, including any entity or division in which
14 Defendants have a controlling interest, along with their legal representative,
15 employees, officers, directors, assigns, heirs, successors, and wholly or partly
16 owned subsidiaries or affiliates;
17

18 b. The Judge to whom this case is assigned, the Judge’s staff,
19 and the Judge’s immediate family;

20 c. Any class counsel or their immediate family members; and

21 d. All governmental entities.
22

1 5.5 Plaintiffs reserve the right to amend the Class definition if discovery
2 and further investigation reveal that any Class should be expanded, divided into
3 additional subclasses, or modified in any other way.

4 **Numerosity and Ascertainability**

5 5.6 This action meets the numerosity requirement of Fed. R. Civ. P.
6 23(a)(1), given that the number of impacted individuals in the Areas of
7 Investigation and property owners, upon information and belief, has reached the
8 thousands, making individual joinder of class members' respective claims
9 impracticable. While the exact number of class members is not yet known, a
10 precise number can be ascertained from U.S. Federal Census records, the State of
11 Washington, and the public records of the municipal entities, and through other
12 appropriate discovery. The resolution of the claims of the class members in a
13 single action will provide substantial benefits to all parties and the Court. It is
14 expected that the class members will number in the tens of thousands.
15

16 5.7 Finally, Class members can be notified of the pendency of this
17 action by Court-approved notice methods.
18

19 **Typicality**

20 5.8 Pursuant to Federal Rules of Civil Procedure 23(a)(3), Plaintiffs'
21 claims are typical of the claims of class members and arise from the same course
22

1 of conduct by Defendants. Plaintiffs' persons and real property, like all Class
2 Members, have been damaged by Defendants' misconduct in that they have
3 incurred damages and losses related to the introduction of PFOA, PFOS, and
4 other PFC's into the water supplies in the Areas of Investigation, causing
5 personal injury and property damages.

6 5.9 Furthermore, the factual bases of Defendants' actions and
7 misconduct are common to all Class Members and represent a common thread of
8 misconduct resulting in common injury to all Class Members. The relief
9 Plaintiffs seek is typical of the relief sought for absent Class Members.
10

11 **Adequacy of Representation**

12 5.10 Plaintiffs will serve as fair and adequate class representatives as
13 their interests, as well as the interests of their counsel, do not conflict with the
14 interest of other members of the class they seek to represent.

15 5.11 Further, Plaintiffs have retained counsel competent and well
16 experienced in class action and environmental tort litigation.
17

18 5.12 Plaintiffs and their counsel are committed to vigorously prosecuting
19 this action on behalf of the Class and have the financial resources to do so.
20 Neither the Plaintiffs nor their counsel have interests adverse to the Class.
21
22

Predominance of Common Issues

5.13 There are numerous questions of law and fact common to Plaintiffs and Class Members that predominate over any question affecting only individual Class Members, making it appropriate to bring this action under Rule 23(b)(3). The answers to these common questions will advance resolution of the litigation as to all Class Members. Common legal and factual issues include:

- a. Whether Defendants engaged in the conduct alleged herein.
- b. Whether Defendants knew or should have known that exposure to PFOA and PFOS could increase health risks.
- c. Whether Manufacturing Defendants knew or should have known that their manufacture of AFFF containing PFOA and PFOS was unreasonably dangerous.
- d. Whether Manufacturing Defendants knew or should have known that their AFFF contained persistent, stable, and mobile chemicals that were likely to contaminate groundwater water supplies.
- e. Whether Manufacturing Defendants failed to sufficiently warn of the potential for harm that resulted from use of their products.
- f. Whether Defendants became aware of health and environmental harm caused by PFOA and PFOS and failed to warn users and

1 Plaintiffs and the Class of same.

2 g. The extent to which Defendants knew about the PFOA and
3 PFOS contamination in the water in the Areas of Investigation.

4 h. The extent to which Defendants knew about the PFOA and
5 PFOS contamination in the water supply systems in the Areas of Investigation.

6 i. The extent to which Defendants knew about the PFOA and
7 PFOS contamination in the water supplied to private wells of residents in the
8 Areas of Investigation.

9 j. Whether the Defendants owed a duty to the Plaintiffs and the
10 Class to refrain from the actions that caused the contamination of the drinking
11 water with PFOA and PFOS.

12 k. Whether Defendants made unlawful and misleading
13 representations or material omissions with respect to the health impacts of PFOA
14 and PFOS.

15 l. For the Medical Monitoring Class, whether Plaintiffs and
16 Class Members were exposed to water containing elevated levels of PFOA and
17 PFOS while living in Airway Heights and Medical Lake.

18 m. For the Property Damage Class, whether the PFOA and PFOS
19 contamination caused and continues to cause:

1 (1) A continuous invasion of the property rights of the
2 Plaintiffs and Class such that the property values within the Areas of
3 Investigation have and/or continue to decline in value following the disclosure of
4 the PFOA contamination; and

5 (2) Have substantially interfered with Plaintiffs' and the
6 Class' use and enjoyment of their property.

7 n. Whether Plaintiffs and Class Members are entitled to damages
8 and other monetary relief and other equitable relief, including but not limited to
9 punitive damages, and if so, in what amount.

10 o. Whether the members of the Classes and Subclasses have
11 sustained damages and the proper measure of damages.

12 p. Whether Manufacturing Defendants are strictly liable to
13 Plaintiffs and the Class for their actions.

14 q. Whether Defendants are liable to Plaintiffs and the Class.

15
16 **Superiority**

17 5.14 The class action mechanism is superior to any other available means
18 of the fair and efficient adjudication of this case. Given the great number of
19 individuals in the Areas of Investigation impacted by Defendants' conduct, it is
20 impracticable for Plaintiffs and the Class to individually litigate their respective
21 claims due to the risk of inconsistent or contradictory judgments, generating
22

1 increased delays and expense, and wasting judicial resources. No unusual
2 difficulties are likely to be encountered in the management of this class action.
3 The class action mechanism presents considerably less management challenges
4 and provides the efficiency of a single adjudication under the comprehensive
5 oversight of a single court.

6 **AFFF CONTAINING PFOA AND PFOS IS FUNGIBLE**
7 **AND COMMINGLED IN THE GROUNDWATER**

8
9 5.15 AFFF containing PFOA and/or PFOS, once it has been released to
10 the environment, lacks characteristics that would enable identification of the
11 company that manufactured that particular batch of AFFF.

12 5.16 The process of manufacture and distribution of AFFF, including
13 that which contains PFOA and/or PFOS, includes complex arrangements
14 whereby Defendants sell product for delivery through the Department of
15 Defense, the USAF, specific installations, and/or third-party logistic
16 intermediaries throughout the country, including to Fairchild AFB.

17
18 5.17 A subsurface plume, even if it comes from a single location, such as
19 a retention pond or fire training area, originates from mixed batches of AFFF
20 coming from different manufacturers.

21 5.18 The case here at Fairchild AFB is typical: even though several areas
22

1 were located at the base where the AFFF was used and entered the groundwater,
2 neither the federal or state investigators could determine the identity of the
3 manufacturers whose AFFF containing PFOA and PFOS contributed to the
4 resulting groundwater contamination plume.

5 5.19 Because precise identification of the specific manufacture of any
6 given AFFF that was the source of PFOA and PFOS found in a Class members'
7 blood, a water well, or the groundwater, is impossible, Plaintiffs must pursue all
8 Defendants, jointly and severally, for those indivisible injuries which Defendants
9 have collectively visited upon Plaintiffs and the Class.
10

11 5.20 Defendants are also jointly and severally liable because they
12 conspired to conceal the true toxic nature of PFOS and PFOA, to profit from the
13 use of AFFF containing PFOA and PFOS, at Plaintiffs' and the Classes' expense,
14 to contaminate Plaintiffs' and the Classes' water supply, and to attempt to avoid
15 liability for such contamination of the groundwater and poisoning of the
16 Plaintiffs and the Class.
17

18 **MARKET SHARE LIABILITY, ALTERNATIVE LIABILITY,**
19 **CONCERT OF ACTION, ENTERPRISE LIABILITY**

20 5.21 Defendants in this action are manufacturers that control a substantial
21 share of the market for AFFF-containing PFOA and/or PFOS in the United States
22 and are jointly responsible for the contamination of the groundwater in the

1 Communities and for causing the damages and injuries complained of in this
2 Complaint. Market share liability attaches to all Defendants and the liability of
3 each should be assigned according to its percentage of the market for AFFF-
4 containing PFOA and/or PFOS at issue in this Complaint. PFOA and PFOS is
5 fungible; it is impossible to identify the exact Defendant who manufactured any
6 given batch of AFFF containing PFOA and/or PFOS found free in the air, soil or
7 groundwater, and each of these Defendants participated in a state-wide and
8 national market for AFFF containing PFOA and/or PFOS during the relevant
9 time.
10

11 5.22 Concert of action liability attaches to all Defendants, each of which
12 participated in a common plan to commit the torts alleged herein and each of
13 which acted tortuously in pursuance of the common plan to knowingly
14 manufacture and sell inherently dangerous AFFF-containing PFOA and/or PFOS.
15

16 5.23 Enterprise liability attaches to all of the named Defendants for
17 casting defective products into the stream of commerce.

18 CONSPIRACY

19 5.24 Defendants actually knew of the health and environmental hazards
20 which PFOA and PFOS posed to Plaintiffs and the Class.

21 5.25 Beginning in the 1970's and continuing through the date of this
22

1 Complaint, Defendants formed joint task forces and committees and otherwise
2 colluded for the avowed purpose of providing information about AFFF-
3 containing PFOA and/or PFOS to the public and to government agencies, but
4 with the true, unlawful purpose of:

5 a. Creating a market for AFFF-containing PFOA and/or PFOS
6 despite knowledge of the hazards which PFOA and PFOS posed to the
7 groundwater in Washington and the residents who depend on such water;
8

9 b. Concealing the environmental properties and toxic nature of
10 PFOA and PFOS, and its impact on Plaintiffs, the Class, and the environment;
11 and

12 c. Maximizing profits in a way Defendants knew would require
13 them to contaminate Plaintiffs' drinking water and poison their bodies.

14 5.26 Defendants carried out their conspiracy by one or more of the
15 following overt acts or omissions:
16

17 a. Intentionally representing to the public that AFFF-containing
18 PFOA and/or PFOS was safe and did not pose an environmental or human health
19 risk;

20 b. Concealing the dangers of PFOA and PFOS (including
21 toxicological information on the dangers of the chemicals to living organisms,
22

1 adverse fate and transport characteristics and the propensity of PFOA and PFOS
2 to contaminate groundwater) from the government and the public by, among
3 other means, repeatedly requesting that information about the dangers and health
4 effects of PFOA and PFOS be suppressed and not otherwise published and by
5 downplaying any adverse findings relating to PFOA and PFOS;

6 c. Concealing the dangers of AFFF-containing PFOA and/or
7 PFOS from end users, sensitive receptors, public water suppliers, and the users
8 and consumers of groundwater;

9
10 d. Using their consideration resources to fight PFOA and PFOS
11 regulation; and

12 e. Collectively deciding to use PFOA and/or PFOS rather than
13 other, safer surfactants because AFFF-containing PFOA and/or PFOS was the
14 most profitable surfactant for Defendants to use.

15
16 5.27 As a direct and proximate result of the Defendants' above described
17 conspiracy, PFOA and PFOS, at all times relevant to this litigation has:

18 a. Posed and continues to pose a health threat to Plaintiffs and
19 the Class because it has bioaccumulated in their bodies;

20 b. Will require testing and monitoring of Plaintiffs' health for
21 known adverse health effects of PFOA and PFOS;

1 c. Contaminated Plaintiffs' property, soil and groundwater, for
2 those with private water wells;

3 d. Will require remediation of PFOA and PFOS contaminated
4 groundwater for those property owners who utilize a private water wells, or,
5 where remediation of the groundwater is impractical, installation of a system to
6 filter out PFOA and PFOS or procurement of water from alternative sources; and
7

8 e. Diminished, and will continue to diminish the values of
9 Plaintiffs and the Class' properties due to past, actual, impending or threatened
10 contamination.

11 **VI. CAUSES OF ACTION FOR CLASS ACTION**
12 **AND INDIVIDUAL CLAIMS**

13 **A. First Cause of Action: Negligence**

14 6.1 Plaintiffs hereby repeat, reallege, and reiterate each and every
15 allegation in the preceding paragraphs as if fully restated herein.
16

17 6.2 This cause of action is brought pursuant to Washington State
18 statutory and common law, to include but not limited to Chapter 4.22 RCW.

19 6.3 Defendants knew or should have known that exposure to PFOA and
20 PFOS was hazardous to the environment and to human health.

21 6.4 Defendants knew or should have known that the manner in which
22

1 they were manufacturing, marketing, and selling AFFF, containing PFC's, was
2 hazardous to human health, bioaccumulated in the blood, and caused serious
3 health effects, including cancer.

4 6.5 Defendants also knew or should have known that PFC's are highly
5 soluble in water, highly mobile, extremely persistent in the environment, and
6 high likely to contaminate water supplies if released into the environment.

7 6.6 Defendants knew or should have known that the manner in which
8 they were manufacturing, marketing, and selling AFFF containing PFC's would
9 result in the contamination of the municipal and private well drinking supplies of
10 Airway Heights and Medical Lake, as a result of these communities' proximity to
11 Fairchild AFB.

12 6.7 Defendants owed a duty to Plaintiffs to act reasonably and not place
13 inherently dangerous AFFF into the marketplace when its release into the
14 drinking water supplies was imminent and certain.

15 6.8 Defendants marketed and sold their products with knowledge that
16 AFFF containing large quantities of toxic PFC's would be used in training
17 exercises and in emergency situations at military bases, including Fairchild AFB,
18 in such a manner that dangerous chemicals would be released into the
19 environment.
20
21
22

1 6.9 Further, Defendants marketed and sold their products with
2 knowledge that AFFF containing large quantities of toxic PFC's would be stored
3 in fire suppressant systems and tanks on USAF Bases and that such systems and
4 storage were used and maintained in such a manner that dangerous chemicals
5 would be released into the environment.

6 6.10 Knowing of the dangerous and hazardous properties of AFFF, and
7 the manner in which AFFF would be used, stored, and maintained at Fairchild
8 AFB, it was foreseeable that AFFF would contaminate the surrounding
9 environment, groundwater, and drinking water supplies of Airway Heights and
10 Medical Lake, as a result of these communities' proximity to Fairchild AFB.

11 6.11 Defendants therefore knew or should have known that safety
12 precautions would be required to prevent the release of PFOA and PFOS into the
13 surrounding environment, groundwater, and drinking water supplies.
14

15 6.12 The magnitude of the burden on the Defendants to guard against this
16 foreseeable harm to Plaintiffs and the Class was minimal, as the practical
17 consequences of placing this burden on the Defendants amounted to a burden to
18 provide adequate instructions, proper labeling, and sufficient warnings about
19 their AFFF products.
20

21 6.13 As manufacturers, Defendants were in the best position to provide
22

adequate instructions, proper labeling, and sufficient warnings about their AFFF products.

6.14 Considering the above factors related to risk, foreseeability, social utility, burden of guarding against the harm, and the practical consequences of placing that burden on the Defendants, the Defendants therefore owed a cognizable duty to Plaintiffs and the Class not to contaminate their municipal and private well drinking water supplies and the surrounding environment and groundwater with AFFF, containing dangerous levels of PFC's.

6.15 Defendants had a duty to warn of the hazards associated with AFFF, containing PFC's, entering and poisoning the environment and groundwater.

6.16 Defendants, as manufacturers, marketers, and sellers of AFFF owed Plaintiffs and the Class a cognizable duty to exercise reasonable care to ensure that AFFF was manufactured, marketed, and sold in such a way as to ensure that the end users of AFFF were aware of the potential harm PFOA and PFOS can cause to human health and the environment.

6.17 Upon learning of the release of the contaminants, all Defendants owed Plaintiffs and the Class a duty to warn and notify Plaintiffs and the Class of the release of the contamination before it injured Plaintiffs and the Class and their property and/or to act reasonably to minimize the damage to Plaintiffs and their

1 property.

2 6.18 Defendants breached their duty by allowing PFOA and PFOS to be
3 released into the municipal and private well drinking water supplies of Airway
4 Heights and Medical Lake, and through their failure to warn and notify the end
5 users of AFFF of the danger that PFOA and PFOS would enter into the
6 environment and groundwater.

7 6.19 As such, the Defendants, negligently, grossly negligently, recklessly,
8 willfully, wantonly, and/or intentionally breached their legal duties to the
9 Plaintiffs and the Class, causing the contamination of the municipal and private
10 well drinking water supplies in and around the residences of Plaintiffs and the
11 Class.

12 6.20 Defendants further breached the duties owed to the Plaintiffs and the
13 Class by failing to take reasonable, adequate, and sufficient steps or actions to
14 eliminate, correct, or remedy any contamination after it occurred.

15 6.21 Defendants' failure to notify the Plaintiffs and the Class in a timely
16 manner of the contamination of the municipal and private well drinking water
17 supplies, and, consequently, the presence of PFOA and PFOS in the real
18 properties of Plaintiffs constitutes another breach of the duties that Defendants
19 owed Plaintiffs and the Class.
20
21
22

1 6.22 Defendants' breaches of their duties were direct and proximate
2 causes of Plaintiffs' and the Class' injuries, damages, and the imminent,
3 substantial, and impending harm to their health and property.

4 6.23 Defendants' breaches of their duties caused the drinking water in
5 both the municipal and private well supplies to become contaminated with unsafe
6 and dangerous levels of PFOA and PFOS.

7 6.24 Further, Defendants' breach of their duty to timely notify the
8 community and act reasonably in warning of the presence of PFOA and PFOS in
9 AFFF, Plaintiffs and the Class were forestalled from undertaking effective and
10 immediate remedial measures, and Plaintiffs and the Class have expended and/or
11 will be forced to expend significant resources to test, monitor, and remediate the
12 effects of Defendants' negligence for many years.

13 6.25 Plaintiffs and the Class suffered foreseeable injuries and damages as
14 a proximate result of said Defendants' negligent breach of their duties as set forth
15 above. At the time Defendants breached their duties to Plaintiffs and the Class,
16 Defendants' acts and/or failures to act posed recognizable and foreseeable
17 possibilities of danger to Plaintiffs and the Class so apparent as to entitle them to
18 be protected against such actions or inactions.

19 6.26 Accordingly, Plaintiffs and the Classes seek damages from
20
21
22

1 Defendants, in an amount to be determined at trial, directly resulting from their
2 injuries to their persons and property, in a sufficient amount to compensate them
3 for the injuries and losses sustained and to restore Plaintiffs and the Class to their
4 original position, including but not limited to the difference between the current
5 value of their properties and such value if the harm had not been done, the cost of
6 repair or restoration, the value of the use of the continuous trespass, injuries to
7 persons, including the need for medical monitoring as an element of damages,
8 and actual, consequential, and nominal damages, flowing from the negligence
9 which are the natural and proximate result of Defendants conduct in an amount to
10 be proved at trial.

11
12 **B. Second Cause of Action: Medical Monitoring**

13 6.27 Plaintiffs hereby repeat, reallege, and reiterate each and every
14 allegation in the preceding paragraphs as if fully restated herein.

15 6.28 This cause of action is brought pursuant to federal and Washington
16 State statutory and common law.

17 6.29 Medical monitoring is available to Plaintiffs and Class Members
18 who have yet to sustain a present injury as a stand-alone cause of action as the
19 increased risk of developing the diseases and conditions discussed supra
20 constitute an injury-in-fact and also as an element of damages associated with
21
22

1 Plaintiffs and Class Members other claims for those Plaintiffs and Class
2 Members who have sustained a present injury.

3 6.30 A claim for medical monitoring requires (1) significant exposure to
4 a proven hazardous substance through the negligent actions of defendant; (2) an
5 increased risk of contracting a serious latent disease as a proximate result of
6 exposure; (3) increased risk makes periodic diagnostic medical examinations
7 reasonably necessary; and (4) monitoring and testing procedures exist which
8 make the early detection and treatment of the disease possible and beneficial. See
9 *Durfey v. E.I. DuPont De Nemours & Co.*, 59 F.3d 121, 123 (9th Cir. 1995)
10 citing *In re Paoli R.R. Yard PCB Litig.*, 916 F.2d 829, 852 (3rd Cir. 1990); see
11 also, *Krottner v. Starbucks Corp.*, 628 F.3d 1139, 1142 (9th Cir. 2010).
12

13 6.31 Defendants knew or should have known that the manner in which
14 they were manufacturing, marketing, and selling AFFF containing PFC's would
15 result in the contamination of the municipal and private well drinking water
16 supplies of Airway Heights and Medical Lake, as a result of these communities'
17 proximity to the Fairchild Air Force Base.
18

19 6.32 Defendants knew or should have known that exposing humans to
20 PFC-contaminated water would be hazardous to human health and the
21 environment.
22

1 6.33 The Plaintiffs and the Classes have been exposed to PFOA, PFOS,
2 and potentially other toxic substances that resulted from the use, storage, and
3 discharge of AFFF at Fairchild AFB.

4 6.34 As described more fully above in this Complaint, PFOA and PFOS
5 exposure leads to the bioaccumulation of PFOA and PFOS in the blood, seriously
6 increasing the risk of contracting numerous diseases. Medical tests currently exist
7 that can determine the level of PFOA and PFOS in the blood.

8 6.35 Given that exposure to and bioaccumulation of PFOA and PFOS
9 significantly increases the risk of contracting a serious medical condition,
10 periodic medical examinations to detect latent diseases are both reasonable and
11 necessary. A thorough medical monitoring plan, following common and accepted
12 medical practices, can and should be developed for the Plaintiffs and the Classes
13 to assist in the early detection and beneficial treatment of the diseases that can
14 develop as a result of exposure to PFOA and PFOS.
15
16

17 **C. Third Cause of Action:**
18 **Products Liability – Failure to Warn**

19 6.36 Plaintiffs hereby repeat, reallege, and reiterate each and every
20 allegation in the preceding paragraphs as if fully restated herein.

21 6.37 This cause of action is brought pursuant to Washington State
22

1 statutory and common law, to include but not limited to Chapter 7.72 RCW.

2 6.38 Defendants knew or should have known that exposure to PFOA and
3 PFOS was hazardous to the environment and to human health.

4 6.39 Defendants knew or should have known that the manner in which
5 they were manufacturing, marketing, and selling AFFF, containing PFC's, was
6 hazardous to human health and the environment.

7 6.40 Defendants knew or should have known that the manner in which
8 they were manufacturing, marketing, and selling AFFF containing PFC's would
9 result in the contamination of the municipal and private water supply as a result
10 of its proximity to Fairchild AFB.

11 6.41 Defendants had the duty to warn of the hazards associated with
12 AFFF entering and poisoning the environment and groundwater because they
13 knew of the dangerous, hazardous and toxic properties of the AFFF.

14 6.42 Defendants failed to provide sufficient warning that the use and
15 storage of Defendants' product would cause the product to be released into the
16 environment and cause the contamination of the environment, groundwater, and
17 drinking water, with PFOA and PFOS.

18 6.43 Further, this contamination led to the exposure and bioaccumulation
19 of PFOA and PFOS of the Plaintiffs and the Class and increased their risk of
20
21
22

1 developing numerous diseases as more fully set forth above.

2 6.44 Adequate instructions and warnings on the AFFF products could
3 have reduced or avoided these foreseeable risks of harm to Plaintiffs and the
4 Class and their properties.

5 6.45 Had Defendants provided adequate warnings, Plaintiffs and the
6 Class could have taken measures to avoid or lessen their exposure.

7 6.46 Had Defendants provided adequate warnings to the end users, steps
8 could have been taken to reduce or prevent the release of PFOA and PFOS into
9 the environment, groundwater, and drinking water.
10

11 6.47 Defendants' failure to warn was a direct and proximate cause of the
12 environmental and health impacts from PFOA and PFOS that came from the use,
13 storage and disposal of AFFF at Fairchild AFB.

14 6.48 As such, Defendants' failure to provide adequate and sufficient
15 warnings for the AFFF that they manufactured, marketed, and sold renders the
16 AFFF a defective product.
17

18 6.49 As a result of Defendants' conduct and the resulting contamination,
19 the value and marketability of the property of the Plaintiffs' and Property
20 Damage Class has been and will continue to be diminished. Plaintiffs and the
21 Class have suffered the need for and the cost of remediation of their properties
22

1 and or mitigation systems for those properties, and the cost of alterative water.

2 6.50 As a result of the contamination, Plaintiffs and the Class have lost
3 use and enjoyment of their properties and have suffered annoyance and
4 discomfort, inconvenience and annoyance as a consequence of the contamination
5 of their properties by Defendants.

6 6.51 As a result of Defendants' conduct and the resulting contamination,
7 the Plaintiffs and the Classes have been injured in that their exposure to PFOS,
8 PFOA, and potentially other toxic substances has caused them to develop
9 illnesses associated with this exposure as more fully described and/or
10 significantly increased their risk of developing those illnesses.

11 6.52 As a result of Defendants' manufacture, sale or distribution of a
12 defective product, Defendants are strictly liable in damages to the Plaintiffs and
13 Class Members.
14

15 6.53 Defendants' acts were willful, wanton, reckless and/or conducted
16 with a reckless indifference to the rights of Plaintiffs and Class Members.
17

18 **D. Fourth Cause of Action:**
19 **Products Liability – Defective Design**

20 6.54 Plaintiffs hereby repeat, reallege, and reiterate each and every
21 allegation in the preceding paragraphs as if fully restated herein.

22 6.55 This cause of action is brought pursuant to Washington State

1 statutory and common law, to include but not limited to Chapter 7.72 RCW.

2 6.56 Defendants knew or should have known that exposure to PFOA
3 and/or PFOS was hazardous to the environment and to human health.

4 6.57 Defendants knew or should have known that the manner in which
5 they were manufacturing, marketing, and selling AFFF, containing PFOA and/or
6 PFOS, was hazardous to human health and the environment.

7 6.58 Defendants knew or should have known that the manner in which
8 they were manufacturing, marketing, and selling AFFF containing PFOA and/or
9 PFOS would result in the contamination of the municipal and private water
10 supply as a result of its proximity to Fairchild AFB.

11 6.59 Knowing of the dangerous and hazardous properties of the AFFF,
12 Defendants could have manufactured, marketed, and sold alternative designs or
13 formulations of AFFF that did not contain PFOA or PFOS.

14 6.60 These alternative designs and/or formulations were already
15 available, practical, and technologically feasible.

16 6.61 The use of these alternative designs would have reduced or
17 prevented the reasonably foreseeable harm to persons and property caused by the
18 Defendants' manufacture, marketing, and sale of AFFF that contained PFOA or
19 PFOS.
20
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1 6.62 Additionally, the AFFF that was manufactured, marketed, and sold
2 by the Defendants contained PFOA and/or PFOS chemicals that were so toxic
3 and dangerous to human health and the environment, mobile, and persistent, that
4 the act of designing, formulating, manufacturing, marketing, and selling this
5 product was unreasonably dangerous under the circumstances.

6 6.63 Further, this contamination then led to the exposure and
7 bioaccumulation of PFOA and PFOS to the residents in the Communities and
8 increased their risk of numerous diseases.

9 6.64 The AFFF manufactured, marketed, and sold by the Defendants was
10 defectively designed as the foreseeable risk of harm could have been reduced or
11 eliminated by the adoption of a reasonable, alternative design that was not
12 unreasonably dangerous.

13 6.65 Defendants' defective design and formulation of AFFF was a direct
14 and proximate cause of the environmental and health impacts from PFOA and
15 PFOS, that came from the use and storage of AFFF at Fairchild AFB.

16 6.66 As a result of Defendants' defective design and formulation of
17 AFFF, the resulting contamination, the value and marketability of the property of
18 the Plaintiffs' and Property Damage Class has been and will continue to be
19 diminished. Plaintiffs and the Class Members have suffered the need for and the
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21
22

1 cost of remediation of their properties and or mitigation systems for those
2 properties, and the cost of alterative water.

3 6.67 As a direct result of the contamination Plaintiffs and the Plaintiff
4 Class have lost use and enjoyment of their properties and have suffered
5 annoyance and discomfort, inconvenience and annoyance as a consequence of the
6 contamination of their properties by Defendants.

7 6.68 As a direct result of Defendants' defective design and formulation of
8 AFFF, the resulting contamination, the Plaintiffs and the Classes have been
9 injured in that their exposure to PFOS, PFOA, and potentially other toxic
10 substances has caused them to develop illnesses associated with this exposure as
11 more fully described and/or significantly increased their risk of developing those
12 illnesses.
13

14 6.69 As a result of Defendants' design and formulation of a defective
15 product, Defendants are strictly liable in damages to the Plaintiffs and Class
16 Members.
17

18 6.70 Defendants' acts were willful, wanton, reckless and/or conducted
19 with a reckless indifference to the rights of Plaintiffs and Class Members.
20
21
22

**E. Fifth Cause of Action:
Private Nuisance**

6.71 Plaintiffs and the Class hereby repeat, reallege, and reiterate each and every allegation in the preceding paragraphs as if fully restated herein.

6.72 This cause of action is brought pursuant to the laws of Washington State statutory and common law, to include but not limited to Chapter 7.48 RCW.

6.73 Plaintiffs and the Property Damage Class, as described above, are owners of real property with the right of possession.

6.74 To be actionable a nuisance “must either injure the property or unreasonably interfere with enjoyment of the property” or as otherwise specifically provided for by statute. *Tiegs v. Watts*, 135 Wash. 2d 1, 13, 954 P.2d 877, 883–84 (1998)

6.75 At all times relevant to the present cause of action, Defendants manufactured, marketed, and sold the AFFF that was used at Fairchild AFB that resulted in the contamination of the water supply relied upon by Plaintiffs and Property Damage Class at all relevant times.

6.76 At the time the above-described, affirmative, voluntary, and intentional acts were performed by Defendants, Defendants had good reason to know or expect that large quantities of PFOA and PFOS would and/or could be introduced into the properties of Plaintiffs and the Property Damage Class.

1 6.77 The above-described affirmative, voluntary, and intentional acts
2 were performed with the reckless disregard of the potential for PFOA and PFOS
3 to be disbursed through the water and onto the land and property of Plaintiffs and
4 the Property Damage Class.

5 6.78 Defendants' negligent, reckless, willful, and/or wanton actions
6 and/or intentional failures to act caused an unknown quantity of PFOA and PFOS
7 to be released into the drinking water for residential areas near Fairchild Air
8 Force Base.

9
10 6.79 The introduction of unknown quantities of PFOA and PFOS onto the
11 property of the Plaintiffs and Property Damage Class unreasonably interfered
12 with the use and enjoyment of their property.

13 6.80 The potential danger from the drinking water at their residences has
14 caused the Plaintiffs and the Class significant and unreasonable inconvenience
15 and expense.

16
17 6.81 This constitutes a substantial interference with the use of the
18 properties such that it is offensive and has caused significant inconvenience or
19 annoyance.

20 6.82 Accordingly, Plaintiffs and the Class seek damages from
21 Defendants, in an amount to be determined at trial, directly resulting from their
22

1 injuries to their persons and property, in a sufficient amount to compensate them
2 for the injuries and losses sustained and to restore Plaintiffs and the Class to their
3 original position, including but not limited to the difference between the current
4 value of their properties and such value if the harm had not been done, the cost of
5 repair or restoration, the value of the use of the continuous nuisance, injuries to
6 persons, including the need for medical monitoring as an element of damages,
7 and actual, consequential, and nominal damages, flowing from the nuisance
8 which are the natural and proximate result of Defendants' conduct in an amount
9 to be proved at trial.
10

11 **VII. CLAIM FOR PUNITIVE DAMAGES**

12 7.1 Plaintiffs and the Class hereby repeat, reallege, and reiterate each
13 and every allegation in the preceding as if fully restated herein.

14 7.2 Upon information and belief, Defendants engaged in willful,
15 wanton, malicious, and or/reckless conduct that caused the foregoing property
16 damage, nuisances, and injuries upon the persons and properties of Plaintiffs and
17 the Class, disregarding their protected rights.
18

19 7.3 Defendants' willful, wanton, malicious, and/or reckless conduct
20 includes but is not limited to Defendants' failure to take all reasonable measures
21 to ensure PFOA and PFOS, which they knew to be carcinogenic, was not
22

1 ingested by Plaintiffs and the Class.

2 7.4 Defendants have caused great harm to the property and water
3 supplies of Plaintiffs and the Class and demonstrated an outrageous conscious
4 disregard for their safety with implied malice, warranting the imposition of
5 punitive damages.

6 **VIII. PRAYER FOR RELIEF**

7 WHEREFORE, the Plaintiffs and the Class demand judgment against
8 Defendants, and each of them, jointly and severally, and request the following
9 relief from the Court:
10

11 8.1 Certification of the proposed Sub-Classes;

12 8.2 A declaration that Defendants acted with negligence, gross
13 negligence, and/or willful, wanton, and careless disregard for the health, safety,
14 and property of Plaintiffs and members of the Class;
15

16 8.3 An order requiring that Defendants pay for a testing and monitoring
17 protocol to test each property and its drinking water for the properties belonging
18 to the members of the Property Damage Class;

19 8.4 An order establishing a medical monitoring protocol for Plaintiffs
20 and the Class;
21

22 8.5 An award to Plaintiffs and the Class of general, compensatory,
23

exemplary, consequential, nominal, and punitive damages;

8.6 An order for an award of attorney fees and costs, as provided by law;

8.7 Pre-judgment and post-judgment interest as provided by law; and

8.8 An order for all such other relief the Court deems just and proper.

IX. JURY DEMAND

Plaintiffs demand a trial by jury of any and all issues in this matter so triable.

DATED this 1st day of November, 2018.

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following attorneys of record:

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